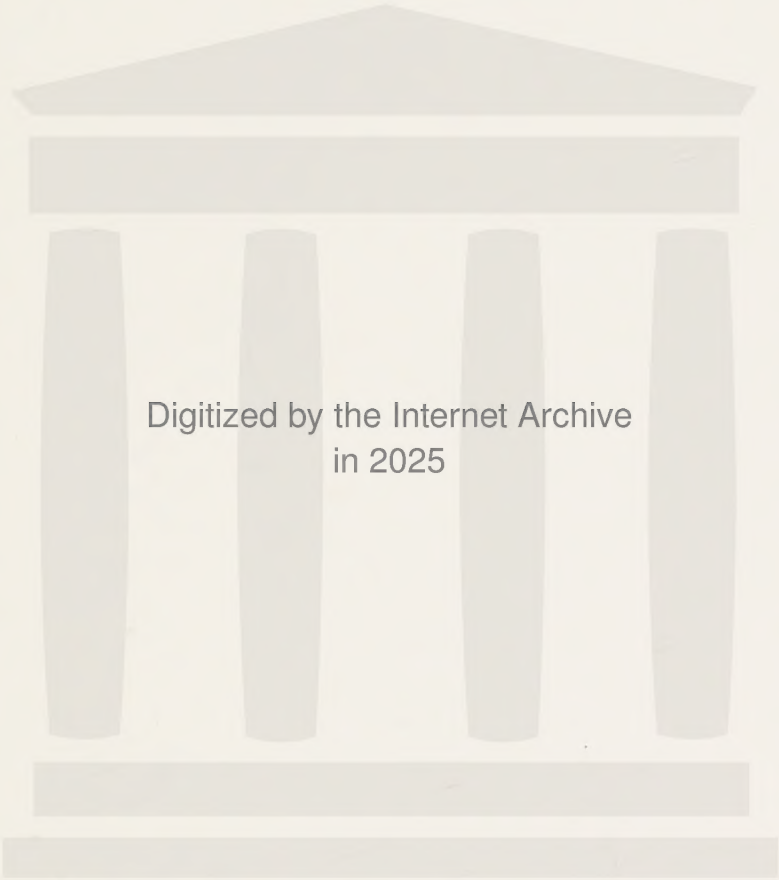
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Prelude to the Praise of the Ancestors, Sirach 44:1-15

Eric D. Reymond
Brooklyn, New York

Past commentators have interpreted verses 3–6 of Sirach 44 as cataloging different kinds of heroes praised in the next chapters. They, in turn, understand the poet to be praising both the ability of the ancestors in their respective professions as well as their piety. However, scrutiny of this poem's syntax and rhetoric suggests that the prelude does not simply illustrate two praiseworthy aspects of the ancestors, but instead emphasizes the necessity of piety in the acquisition of eternal glory. Specifically, verses 3–6 detail those who are honored "in their generation." These same verses explicate that this honor is a result of the ancestors' "might"; in other words it is not a result of their piety, though this type of honor does not preclude piety. Verse 9 explicitly states that some of those listed in the preceding verses were forgotten, which, in the context of Ben Sira, implies that they were not pious. The correspondences between the first and second halves of the text, including repetitions of the words כבד, שם, and דור, throw into relief the differences between glory based exclusively on power and glory based in piety.

The poem of Sirach 44:1–15 constitutes the prelude to the following hymn, the "Praise of the Ancestors." Given the text's ambiguous language and expression, it is not surprising that it has been the object of some discussion among scholars. In particular, critics have questioned the referents of verses 3–6; some have suggested that the passage refers to the non-Jewish population, others have asserted that it refers to the heroes of the following hymn, and still others have argued that it pertains to certain Jews who have won fame in their life, not specifically those mentioned in the Praise of the Ancestors.[1] Most recent interpreters construe the verses as detailing the different categories of heroes praised in the next chapters. They, in turn, conceive the prelude as praising both the prowess of the ancestors in their respective professions as well as their piety.[2] However, a close evaluation of the poem's language, its syntax and rhetoric, suggests that the prelude does not simply illustrate two praiseworthy aspects of the ancestors, but instead emphasizes the necessity of piety in the acquisition of eternal glory. The prelude asserts that only glory based on righteousness is eternal and worthy of praise. The precise identification of the individuals in verses 3–6 becomes less important in this context. The accomplishments and abilities of the ancestors in their roles as judges and rulers were not enough to secure them an eternal name; their piety, in combination with their achievements, has effected this.

1 Below, nn. 16–20.

2 Below, nn. 21–25.

This interpretation is supported by a scrutiny of the syntax and rhetoric of verses 3–6, by a literal reading of verse 9, and by an evaluation of the poem's structure: its macro-organization and lexical repetition. Verses 3–6 detail those who are honored "in their generation," and explicate that this honor is a result of their "might." Verse 9 explicitly states that some of those listed in the preceding verses were forgotten, implying that they were not pious. The correspondences between the first and second halves of the text, including the lexical repetitions, throw into relief the differences between glory based exclusively on power and glory won through piety.

I offer below a transcription of the Masada manuscript based on the photographs in the *editio princeps*, originally published by Yigael Yadin and recently republished in *Masada VI: The Yigael Yadin Excavations 1963–1965, Final Reports*.[3] Reconstructions are made from the Genizah manuscript and the Greek and Syriac versions.[4] My reading and reconstruction of the Masada fragment differ from Yadin's in only five places, indicated in the footnotes to the translation, though my understanding of the poem differs significantly from his.

חסד [אנ[שי] [אהללה נא]	1	[I shall praise] men of piety,
את אב[ותינו בדורותם]		[our] fathers [among their generations.]
רב כבוד חלק עליון	2	(His own) abundant glory the Most High apportions,[5]
וגדלה מי[מות עולם]		(His) magnificence, from [days of old.]
‹רדי ארץ במלכותם	3	‹Rulers[6] of the earth, for[7] their dominion,

3 The original publication is Yigael Yadin, *The Ben Sira Scroll from Masada* (Jerusalem: Israel Exploration Society, 1965), the English portions of which are republished in Shemaryahu Talmon, ed., *Masada VI: The Yigael Yadin Excavations 1963–1965, Final Reports* (Jerusalem: Israel Exploration Society, The Hebrew Univ. of Jerusalem, 1999). For the text of the Masada scroll without reconstructions, as well as that of the Genizah manuscripts, one may consult Pancratius C. Beentjes, *The Book of Ben Sira in Hebrew*, VTSup 68 (Leiden: Brill, 1997).

4 This study is based on research conducted for my unpublished dissertation, "Even unto a Spark: An Analysis of the Parallelistic Structure in the Wisdom of Ben Sira 40:11–44:15" (Univ. of Chicago, 1999). Facsimiles of the Genizah manuscripts may be found in *The Book of Ecclesiasticus in Hebrew: Facsimiles of the Fragments Hitherto Recovered* (London: Oxford Univ. Press, 1901). The Greek version may be found in Joseph Ziegler, *Sapientia Iesu Filii Sirach*, Septuaginta: Vetus Testamentum Graecum 12/2 (Göttingen: Vandenhoeck und Ruprecht, 1965). The Syriac can be found in P. A. de Lagarde, *Libri veteris testamenti apocryphi syriace* (Leipzig: F. A. Brockhaus, Williams and Norgate, 1861).

5 For an explanation of חלק עליון, see below.

6 This follows the B-margin reading, in contrast to that of the B-text, which has דורי. It should be noted that the defective spelling of the Masada scroll is preserved in the transliteration. Thus, the participles do not contain a *mater*, unlike in the Genizah text.

7 I prefer interpreting the prepositions in vv. 3–4d as complements to the following finite verb נכבד

‹אנשי שם בגבורתם		famous men, for their power,›[8]
ויעצים בתבונתם		and counselors,[9] for their understanding,
וחזי כל בנב[ואתם]		and seers (lit. those who see all), for [their] prophecy,
שרי גוי במזמתם	4	princes of the people, for their discernment,
ורזנים במחקק[תם]		and potentates, for [their] decree(s),
חכמי שיח בספרתם		meditative sages, for their book(s),
ומשלים במ[שמרותם]		and propounders of parables, for [their sayings (lit. nails),][10]
חקרי מזמור על קו	5	those pursuing (lit. examining) song(s) upon an instrument (lit. a chord),
ונשאי מש[ל בכתב]		and those uttering proverb(s) [in writing,]
אנשי חיל וסמכי כח	6	wealthy men and those maintaining (their) power,
ושק[טים על מכונתם]		and those quiet [in their home(s),]
כל אלה בדרם נכבדו	7	all these in their generation were honored,

---

because of their positional, syntactic, and morphological correspondences. A similar kind of construction is found earlier in Ben Sira in the "Instruction on Shame" (41:14a–42:8) where modifier phrases appear in succeeding verses, separated from the verb which they complement. The distinction of this passage is that the dependent clauses come before the finite verb. M. O'Connor (*Hebrew Verse Structure* [Winona Lake, Ind.: Eisenbrauns, 1980] 417–18) finds a syntax similar to the one in this text in two biblical poems: Gen 49:24–26 and Deut 33:13–16. This is not the only way to interpret these prepositions. Most interpreters construe them as modifiers of the preceding nominal and participial phrases. In all likelihood, ambiguity was intended by the author for rhetorical purposes. For a discussion of their causal nuance, see below.

8 This verse is not in the Masada scroll nor in the Syriac translation, but it is present in the Genizah manuscript and in the Greek translation. The emendation of the Masada text to include this verse is supported by the similarity of this bicolon to what surrounds it and its general tone which functions well as an introduction to the following five bicola. Furthermore, it contains nothing of a theological nature that would disqualify it from being part of the original text. Finally, the scroll itself may suggest the original presence of this bicolon if we read the first word of 44:3c as ויעצים. This *waw* conjunction suggests a close connection with the preceding bicolon and it seems more likely that 44:3c–d would be connected by *waw* to the missing colon, than to 44:2a–b.

9 I read ויעצים, following the photograph and John Strugnell's observation ("Notes and Queries on the 'Ben Sira Scroll from Masada,'" *ErIsr* 9 [1969] 118).

10 I read משמרותם, following the Genizah text. I assume that Ben Sira is using this word as a metaphor for "wise sayings," drawing from the simile in Eccl 12:11. The connection with the Ecclesiastes passage is made by Patrick W. Skehan ("Staves, Nails and Scribal Slips [Ben Sira 44:2–5]," *BASOR* 200 [1970] 69).

[ובימיהם תפארתם]		[in their time they were renowned (lit. in their time was their renown).]
יש מהם הניחו שם	8	There were among them (those who) left a name,
לה[שעות בנחלתם]		[bringing attention[11] to their inheritance.]
ויש מהם שאין לו זכר	9	There were also among them those who are not remembered (lit. who have no remembrance).
[וישבתו כאשר שבתו]		[they perished (forever) as soon as they perished (lit. ceased as soon as they ceased).
כאשר לא היו היו		They are as though they had never been (lit. were not),
ו[בניהם מאחריהם]		and (likewise) [their children after them.]
אולם אלה אנשי חסד	10	But those (who follow in the poem) are men of piety,[12]
וצ[דקתם לא תשכח]		[their righteousness will not be forgotten.][13]
עם זרעם נאמן טובם	11	With[14] their seed, their prosperity (lit. goodness) is secure,
ונח[לתם לבני בניהם]		[their] inheri[tance belongs to their grandchildren.]
בבריתם עמד זרעם	12	In their covenant their seed endures,
וצאצאיהם [בעבורם]		(as do) their offspring [because of them.]

11 I read {שעות}ה, following one of the B-margin readings. The B-text reading להשתענות is not preferred since no Hishtaphel stem of this verb is attested in biblical or post-biblical Hebrew. In biblical Hebrew the HtD-stem of the verb שעה has either a reflexive nuance or a habitual nuance, defined in BDB as "to look at each other" or "to gaze about." The H-stem appears simply to be causative: "to cause to gaze," i.e., to call attention to. In the G-stem the verb occurs with the preposition *beth* when the following words mean, literally, "words" or "statutes." Confusion with the common Aramaic verb שעא in the tD-stem seems very possible, especially since this verb appears commonly with the *beth* preposition.

12 Similar instances, where the demonstrative אלה refers to entities that follow in a text, are listed in BDB (s.v.).

13 The Greek ἐπελήσθησαν suggests a reconstruction like לא תזכר, akin to Ezek 3:20, 18:24 and 33:13, or לא תשכח, akin to Ben Sira 3:14 where the Greek translation is the same as it is here, as observed by Skehan (Patrick W. Skehan and Alexander A. Di Lella, *The Wisdom of Ben Sira*, AB 39 [New York: Anchor Bible Doubleday, 1987] 499). These reconstructions seem to make better sense than does Yadin's לא תכרת (Ben Sira, 37; *Masada VI*, 195).

14 The Masada text actually has אם, a clear mistake for the preposition עם.

עד עולם יעמד זרעם	13	Forever[15] their seed will endure,
וכבודם לא ימח[ה]		their glory will not be effaced.
וג[ויה]ם בשלום נאספה	14	Their [bodies] in peace were gathered (to their graves),
ושמם חי לדור ודור		but their name is alive from generation to generation.
חכמתם תשנ]ה עדה[	15	The congregation [repeats (lit. speaks again of) their wisdom,]
ותהלתם יספר קהל		and praise of them the assembly recounts.

As stated above, past commentaries on this poem have focused on the referents of verses 3–6: Does Ben Sira refer to the magnates of the non-Jewish population, to the fathers of the hymn or to certain Jews who have won fame in their life, not specifically those mentioned in the coming chapters? Israel Lévi first suggested that these verses refer to non-Jewish peoples.[16] He argued that Ben Sira was referring here to "pagans" in order to contrast their glory with the piety of the Jewish ancestors. Later critics are consistent in their rejection of this hypothesis, although the emphasis in these later commentaries varies. For instance, Rudolf Smend associates verses 3–6 with the fathers praised in the following hymn to the extent of specifying to which heroes he believes Ben Sira is alluding.[17] Norbert Peters is more vague, simply suggesting that verses 3–6 refer mainly to Israelite "great men," only some of whom are remembered.[18] G. H. Box and W. O. E. Oesterley propose that verses 3–6 point to both those who were pious and those who were not.[19] Moses Zevi Segal construes these verses in a similar manner, specifying that the references are not necessarily to those who are illustrated in the longer hymn.[20] Among more recent commentators, John G. Snaith has written that verses 3–6 refer to Jews in general, but that the passage "may refer to different parts of the Old Testament" or may also be "re-describing the

15 I read עד as does Strugnell, "Notes and Queries," 118.

16 Israel Lévi, *L'Ecclésiastique ou la sagesse de Jésus, fils de Sira* (Paris: Ernest Leroux, 1898, 1901) 82; V. Ryssel supported his interpretation, as described by Rudolf Smend (*Die Weisheit des Jesus Sirach: Erklärt* [Berlin: George Reimer, 1906] 416).

17 Smend, *Erklärt*, 417.

18 Norbert Peters, *Der jüngst wiederaufgefundene hebräische Text des Buches Ecclesiasticus* (Freiburg: Herdersche Verlagshandlung, 1902) 225.

19 G. H. Box and W. O. E. Oesterley, "Sirach," in R. H. Charles, ed., *The Apocrypha and Pseudepigrapha of the Old Testament* (2 vols.; Oxford: Clarendon Press, 1913) 1:480.

20 Moses Zevi Segal, *Sefer Ben Sira ha-Shalem* (Jerusalem: Bialik Institute, 1953) 304.

ideal wise man."[21] Thomas R. Lee has argued that verses 3–6 allude explicitly to the fathers praised in the following poem.[22] The allusions he finds in this passage are very close to those identified by Smend.[23] Similarly, Alexander A. Di Lella makes specific connections between individuals in the hymn and the groups in verses 3–6.[24] John J. Collins follows these last three scholars in their reading of the initial lines and adopts Snaith's idea that these categories reflect the different parts of the Hebrew scripture.[25]

As will be demonstrated below, I believe that the primary significance of this list is that it characterizes one type of fame: that attributable to certain professions or to privilege. Ben Sira is drawing a distinction in the poem between those who are famous exclusively for their power or skill, and those who are remembered, not only for their skill, but, more importantly, for their piety. The glory of the former group lasts for only a limited period of time, while that of the latter is eternal. It is important to emphasize that the legitimacy of the professions listed in verses 3–6 is not in question. Verse 8 makes clear that those praised in the poem for their piety are successful professionals: counselors, seers, sages, etc. Ben Sira is emphasizing that one's profession and success cannot, without piety, win one an eternal name; only a pious individual can earn perpetual fame. Thus, an unjust counselor, though finding favor with the king for his insight, will not achieve a lasting remembrance. The same applies to an impious king, a selfish sage and a corrupted prophet.

It also should be emphasized here that in other parts of this book Ben Sira's proverbs imply different kinds of glory. Verse 10:24 is close to the idea of the prelude:

[נדיב] מושל ושופט נכבדו	[Noble,] ruler, and judge are honored,
[ואי]ן גדול מ[י]רא אלהים	[but the]re is none greater than the person fearing God.

The status or profession of a person is irrelevant if it is without righteousness. Implicit is the idea that a person's wealth, position, or insight do not reflect his or

21 John G. Snaith, *Ecclesiasticus or The Wisdom of Jesus, Son of Sirach*, CBC (Cambridge: Cambridge Univ. Press, 1974) 216.

22 Thomas R. Lee, *Studies in the Form of Sirach 44–50*, SBLDS 75 (Atlanta: Scholars Press, 1986) 225–26.

23 For instance, both Lee (*Studies*, 226) and Smend (*Erklärt*, 417) suggest that the reference to rulers in 3a is to David and Solomon, that the reference to "princes of the people" in v. 4 is to Zerubbabel and Nehemiah, that משלים is a reference to Solomon, that the mention of psalmists implies David and that the reference to powerful men in v. 6 is an allusion to the patriarchs and, perhaps, Job.

24 Di Lella's list of identifications (Skehan and Di Lella, *Ben Sira*, 500–501) is more thorough than either Lee's or Smend's, though some of the same connections are made.

25 John J. Collins, *Jewish Wisdom in the Hellenistic Age* (Louisville, Ky.: Westminster John Knox Press, 1997) 100.

her piety. Other passages that carry a similar connotation include those which assert the valor of the poor, for example 10:30: "The poor person is honored for his intelligence / and the rich is honored for his wealth." In another passage Ben Sira refers to the "majesty" (הוד) of rulers, though he is illustrating how power can be used for good or ill.

> 3 A king lacking restraint will destroy (his) city,
> but, a city, through the wisdom of its princes, is (made) habitable.
>
> 2 Like the judge of the people (are) his administrators,
> Like the city's leader (lit. head) (are) its inhabitants.
>
> 5 In God's hand (is) dominion over every person,
> and He bestows majesty over the ruler (10:2–3, 5).[26]

This passage asserts that God establishes kings and gives them "majesty," although not every ruler is pious or good, indicating an "honor" that is apart and separate from piety.[27] Note also how Ben Sira describes Elijah as "forcing kings down into the pit and (the) honored (נכבדים) from their beds" (Sir 48:6). Clearly, this points to individuals who were honored but not pious.

The following syntactic analysis of verses 3–6 is meant to elucidate the grammatical underpinnings which bolster the proposed interpretation. Patrick W. Skehan assumes that the first seven verses belong together as one sentence. He translates the phrase חלק עליון as a nominal expression: "the Most High's portion," and suggests that verses 3–6 are expanding on this phrase, essentially as a series of clauses in apposition to it.[28] This reflects the reading of the poem as a summary of those the poet is about to praise. Alternatively, one could make the case for verses 3–6 as a series of object phrases, dependent on the verb חלק. This too would presuppose that these verses prefigure those about to be praised. Other commentators assume that verses 1–2 are independent of 3–7 and make the latter into a single sentence. This works well with the understanding that verses 3–6 refer to people completely distinct from the individuals praised later (so, Lévi), or to a broader group including but not limited to the individuals of the hymn (e.g., see Peters' interpretation).[29]

26 This is the order of verses found in the Genizah A-manuscript.

27 Note how the word הוד is used as a synonym for כבוד in Ps 21:6. See also Ps 145:2.

28 Skehan and Di Lella, *Ben Sira*, 497–98.

29 Lévi, *L'Ecclésiastique*, 82; Peters, *Ecclesiasticus*, 225. Other translations, those of the NEB, the NRSV and NJB, combine readings from the versions and from the Hebrew manuscripts; they avoid the problems of the Hebrew, though they obscure in this process the original language of the poem, going so far as to omit a colon which must have been part of the original composition.

The absence of punctuation in ancient Hebrew leaves the boundaries of sentences sometimes vague, and the ambiguity of these verses is apparent in this passage's different interpretations. Despite this obscurity, there are legitimate reasons for interpreting verses 3–6 as dependent on the following verse 7. First, in the Greek and Latin translations all the participles and nouns of verses 3–6 are in the nominative case, indicating that they are not objects of a preceding verb.[30] In the Greek, punctuation verifies that the phrases are dependent on verse 7. Second, all the major versions — the Greek, the Syriac, and the Latin — translate חלק as a finite verb. This argues against Skehan's proposal of reading these consonants as a noun. Further evidence against his proposed reading is that the characterization of Israel as Yahweh's portion is extremely rare in the Bible; BDB cite only one example, Deuteronomy 32:9. It is much more common for the Lord to be characterized as the portion of Israel.

Another ambiguity surrounds the interpretation of the preposition *beth* which appears at the end of each colon between 3a and 4d. The prepositions may complement the nominal or participial phrases which precede them in each colon, or they may complement the predicate of verse 7: נכבד. If the prepositions modify the verb, they all carry a connotation of cause.[31] If, on the other hand, they are construed as complements to the preceding phrases, then they may express circumstantial or causal notions. In either case, verse 3b indicates explicitly that the "famous men" were honored as a result of their power.[32]

Not only does the syntax of this passage bolster the proposed interpretation, but the list of professions itself suggests that Ben Sira is not exclusively referring to the ancestors who are praised, who have an eternal remembrance. For example, the list does not include an explicit mention of priests, a group that figures

30 In addition, interpreting these nominal expressions as objects of the preceding verb חלק is difficult since to translate v. 3 as: "(He assigned) the rulers of the earth in their dominion" requires positing the rection חלק ב where one would expect חלק על See 2 Chr 23:18. *Beth* indicates instrument with the G-stem of חלק in 1 Chr 24:5.

31 This seems to be the interpretation of Lévi, *L'Ecclésiastique,* 83. The verbal rection of נכבד with *beth* is seen in Exod 14:4, 17, 18 where the sense is that of cause. Ernst Jenni, *Die hebräischen Präpositionen: Band 1: Die Präposition Beth* (Stuttgart: Verlag W. Kohlhammer, 1992) 113, in fact, lists these verses as examples of causal *beth*. Contrary to what some translations imply, the nuance provided by this preposition for the Exodus passages is that the Lord will be glorified "*on account of* Pharaoh ('s destruction)." More importantly, *beth* complements נכבד and indicates cause in Ben Sira 10:31 (Manuscript A): נכבד בעשרו "honored for his wealth." Skehan (Skehan and Di Lella, *Ben Sira,* 497) interprets each prepositional phrase as dependent on the words which precede it. He translates with a variety of English prepositions, construing some prepositions as conveying cause, others accompaniment, and still others instrument. The translations of Box and Oesterley, Yadin, and Peters are less successful in that they attempt to mimic the Hebrew structure by translating each *beth* with "in," though leaving the exact nuance of the Hebrew obscure.

32 For a construction in the Hebrew Bible similar to verse 3b see 1 Chr 26:8 and, for its interpretation Jenni, *Präposition Beth,* 93.

prominently throughout the entire hymn.[33] One might imagine that he would include them if he were summarizing the categories of heroes praised in the hymn. Furthermore, the professions listed do not presuppose piety. This is obvious in the case of rulers, magnates, singers, and poets, but also pertains to "sages" (חכמים), "counselors" (יעצים), even "seers" (חזים) who appear many times in the Bible as corrupt, unrighteous, or inept (see Isaiah 19:11, Jeremiah 10:7, Micah 3:7). In Sirach, these professions are also occasionally associated with unrighteous behavior. For instance, counselors are described in Sir 37:7–8 as prone to put their self-interest before other people's interests. Similarly, Ben Sira distinguishes between different types of wise men. Following the order of the Greek verses, 37:24–26 reads:

> 24 One wise for himself is sated with delight,
> and all who see him pronounce him happy.
>
> 25 (But) a man's life is of a limited time,
> and the life of the Israelite people is without limit.
>
> 26 (Thus,) one wise with regard to the people inherits glory,
> and his name endures in eternal life.

Note also Sirach's statements on the vanity of concealed wisdom (20:30–31, 41:14b–15). These passages indicate that wisdom is profitable only when it is shared, only when it benefits others. It is implied that the sage who has others' interests at heart is the only sage to whom eternal remembrance is granted and that this eternal remembrance resides among the people. If eternal remembrance is a quality of the righteous, as Ben Sira suggests elsewhere (e.g., 40:17, 41:11), this means, by extension, that those "wise for themselves" are not pious.[34] In addition, Ben Sira is believed to have used, at least to some degree, writings from non-Jewish writers in the composition of his own book.[35] This implies that he had studied and recognized "propounders of parables," and individuals "uttering proverbs" who did not embrace the fear of the Lord.

33 The absence of priests in these verses is one reason that Lévi, *L'Ecclésiastique* 82, thought that the list did not refer to Israelites.

34 This implies that Ben Sira's conception of "wisdom" (חכמה) is broader than just fear of the Lord. This is also implied in verses like 25:10 in which Ben Sira states that "fear of the Lord" is superior to "wisdom," and in associations between purely practical matters and "wisdom" (see, e.g., the association between שיחת חכמים and correct behavior in the royal court in 8:8). Furthermore, Wisdom has held sway among the foreign nations, as she explains in 24:6, and Ben Sira alludes to the knowledge of foreign peoples in his description of the ideal scribe: "In the land of foreign peoples, he travels / and tests that which is good and bad among humanity" (39:4c–d).

35 For a balanced review of these influences, see Di Lella's appraisal (Skehan and Di Lella, *Ben Sira*, 46–50).

Among the qualities isolated, "understanding" (תבונה) does not presuppose piety in the Bible (see Ezekiel 28:4, Hosea 13:2), nor does "discernment" (מזמה) (see Jer 11:15, Psalms 37:7), nor does "prophecy" (נבואה) (see Nehemiah 6:12). With regard to Sirach, one might note the appearance of מזמה in Sir 35:24 where it is associated with the punishment meted out against the ungodly. Also, in relation to prophecy, observe that Sir 34:5 refers to spurious divination, dreams, and omens. Although תבונה is not used negatively in Sirach, it has just been demonstrated that some who are wise are not righteous. Finally, wealth does not necessarily imply righteousness either in the Bible or in Sirach. Observe, for instance, Nathan's parable (2 Samuel 12:1–4) or Proverbs 28:6. In Sir 13, Ben Sira comments on the danger of the wealthy and powerful, associating "nobles" (נדיב) with "men of violence" (אנשי חמס).[36] The capacity for someone to be wise, powerful, and wealthy and yet be (or become) corrupt is illustrated in the following poem by the example of Solomon, who is described in just these terms yet is said to have brought a blemish on his glory (Sir 47:12–22).

The rhetorical strategy in verses 3–6 may be to play on the expectations of an audience who would have been accustomed to assuming that wealth, power, and prestige lead to eternal glory. Ben Sira's intention is not only to emphasize the righteousness of those he is about to praise, but to emphasize the end of "famous men" (i.e., people famous but not pious) by subverting his audience's expectations in verse 9: "They perished as soon as they perished" (וישבתו כאשר שבתו). It is true that the heroes extolled in the poem all were famous "in their generation," but their remembrance throughout time is not attributable to this, rather their glory is directly related to their righteousness. Thus, it is instructive to observe that the prelude introduces the ancestors in the first colon as pious individuals (אנשי חסד).

One last exegetical issue must be addressed before analyzing the structure of the poem. Verse 9 explicitly states that some of those mentioned in the preceding passage, 3–6, are not remembered. This verse would seem to confirm that those professions listed do not assure a lasting memory; together with the following statements that righteousness is never forgotten, it would seem to imply that those listed in verses 3–6 were not necessarily pious. Despite this simple and straightforward interpretation, some recent scholars have argued that the reference in verse 9 is to pious Jews who have simply been forgotten.[37] This is out of

36 Although the phrase does not appear again in Sirach, אנשי חיל, which usually has a positive connotation in the Bible, is used in reference to those crushed by God in Ps 76:6. Thus, it does not exclusively refer to the upright. Furthermore, the word חיל in Sirach does not imply righteousness, as demonstrated by Sir 5:1. In Sir 40:26 it is even said to be less pleasing than "fear of the Lord."

37 This suggestion is first made by C. Spicq ("Ecclesiastico," in L. Pirot and A. Clamer, eds., *La Sainte Bible* [Paris: Letouzey et Ané, 1951]), as cited by Di Lella (Skehan and Di Lella, *Ben Sira*, 501). Snaith (*Ecclesiasticus*, 216) and Collins (*Jewish Wisdom*, 100) also follow Spicq in this identification.

character not only with the argument of this poem but also with Ben Sira's claim elsewhere that piety leads to an eternal name. For instance, see 37:26, cited above, or 41:11: "Ephemeral (are) humans in their bodies, / but surely the name of the pious is not destroyed."[38] Skehan and Di Lella's translation poses other problems. They connect verse 9 with verse 10 and suggest that אלה refers not to those who follow in the hymn but to those who were forgotten. It is rendered as follows in their commentary:

> 9 But of others no memory remains,
> for when they perished, they perished completely,
> And are as though they had never lived,
> they and their children after them.
>
> 10 Yet these also were godly people
> whose virtues will not be forgotten . . .[39]

They explain away the apparent contradiction between these statements by proposing that God is the implicit agent of the verb "will not be forgotten," in other words "these godly people will not be forgotten by God."[40] They make the further assertion that the rest of the poem sings "the praise of these 'forgotten' heroes of the faith."[41] But, this makes no sense given verse 15 which explicitly states that "the assembly recounts their praise." How can the heroes both be forgotten and remembered by the people? Furthermore, their interpretation receives no support from the versions; it is based solely on what they believe the text should say.[42] There is no reason to take verses 9–10 as anything but literal. This is the entire point of the poem: power, wealth, wisdom, prophetic insight, and poetic ability without piety do not establish the memory of a person.

Like many of Ben Sira's poems in 40:11–42:14, this prelude expresses a dichotomy through a division of the text into two roughly equal halves. The first two verses act as an introduction and the rest of the poem is made up of two verse paragraphs or sense-units, the first comprising verses 3–9 and the second comprising verses 10–15. The first focuses on those who achieve fame through wealth,

38 Similarly, 41:13 suggests that a name will last forever: "The benefit (that) the living (enjoy is) of a limited time, but the benefit of [a name] has no such limit." In addition, there is the association of piety with eternity as seen in 40:17: "Piety, like eternity, will never perish, righteousness for eternity is secure."

39 Skehan and Di Lella, *Ben Sira*, 497.

40 Skehan and Di Lella, *Ben Sira*, 499, 501.

41 Skehan and Di Lella, *Ben Sira*, 501.

42 As an aside, I might note Gerhard von Rad's cavalier solution to the problems of v. 9 (*Weisheit in Israel* [Neukirchen-Vluyn: Neukirchener Verlag, 1970] 331–32); he simply omits it from his translation of the prelude.

power, and skill, regardless of piety, and the second on only those successful, accomplished individuals who win eternal glory through their piety. This distinction is brought into sharper contrast through the structural similarities of the two paragraphs. For instance, each poetic unit attests a regularity of structure across a number of cola. In the first sense-unit this is effected through the series of nominal phrases, each of which ends with a prepositional phrase. The semantic, grammatical, and phonetic echoes between phrases like "their prophecy," "their books," "their decrees," and "their sayings" reinforce the common denominator among them: they all refer to accomplishments of the world-at-hand. In the second verse paragraph, verses 11–13 all exhibit an identical syntactic structure. Furthermore, every colon begins with a word that terminates with the syllable /ām/.[43] The parallels between phrases like "their righteousness," "their seed," "their prosperity," and "their inheritance" underline the eternal dimension to a pious life. Also, both sense-units employ envelope constructions. In the first half of the poem, אנשי שם and אנשי חיל loosely bracket the list of professions, while in the second half of the poem, "will not be forgotten" (v. 10) is parallel to "recount" and "speak again" (v. 15).

The distinction between the two groups of individuals, that is, between the famous (both pious and impious) and the eternally remembered, is also highlighted through the repetition of particular lexemes. The distinction finds convenient expression in the poem through the terms: famous men, אנשי שם (or powerful men, אנשי חיל), a group which includes both pious and impious individuals, and pious men, אנשי חסד).[44] The structure of the poem can, to a certain degree, be determined from the place where these phrases appear. The words "famous men" appear first in verse 3 and are matched by the phrase "powerful men" in verse 6. The phrase "pious men" marks the first verse of the second half of the poem, verse 44:10, where the focus turns to piety exclusively.

Other conspicuous lexical repetitions in the poem include those of "glory" (נכבד), "name" (שם), and "generation" (דור). The contrast in the context where each of these lexemes appears further underlines the distinction between the two different types of glory. Most important is the repetition of the root כבד in verses 7a and 13b.[45] In 7a the famous (pious and impious) are said to be honored in their lifetime (בדרם), while the glory of the righteous is portrayed in 13b as eternal.

43 Note also the phonetic parallels created by the repetition of זרע "seed" in verses 11a, 12a and עמד "endure" in v. 12a, 13a.

44 The phrase אנשי שם is used in the Bible as a synonym to גבורים. Its connection with worldly renown in contradistinction to a spiritual or religious glory is suggested by its use in the Bible where it exclusively describes sinful groups: the Nephilim (Gen 6:4) and those who confront Moses in the desert (Num 16:2). A related phrase, אנשי שמות, describes the members of the clan of Manasseh who "rebelled against the God of their fathers" (1 Chr 5:24–25).

45 The root also appears in the poem's introduction (v. 2) where it helps to establish the topic of the text.

Associated with כבד is the word שם. The latter appears in 3b, indicating worldly renown, while in 14b it is the attribute of the pious which "lives from generation to generation" (לדור ודור). Thus, the word "generation" is used once to describe the limit of worldly renown (v. 7) and a second time to designate the eternal aspect of pious glory (v. 14).[46] By limiting his vocabulary in this way, Ben Sira draws the reader's attention to the poem's thematic crux.

What the above interpretation implies for the Praise of the Ancestors as a whole has already been noted: the ancestors are not simply characterized as valorous or mighty, but, more significantly, as pious, their actions and attributes an outgrowth of this righteousness.[47] Consistent with this theme, Ben Sira highlights the uprightness of the fathers throughout the hymn. See, for instance, 44:17, 19; 45:4; 46:6–7, 11, 19; 47:8; 48:22; 49:3. In addition, the poet mentions many of the people's transgressions in order to throw into relief the righteousness of those who did not stray: 45:18–20, 23–24; 46:7–8; 48:15, 49:4. Significantly, Ben Sira refuses to mention many of the rebels and the sinful kings, going so far as to write of Jeroboam in 47:23: "May there be no memory to him who arose."[48] All this meshes with Ben Sira's emphasis on piety and its reward of eternal glory as well as his suggestion that the impious are forgotten. The early monarch Solomon, however, offers a contradiction to this claim. He is the only king described at length in the poem who is also implied to have "acted corruptly."[49]

Solomon is depicted first in terms of his accomplishments and abilities. First among these is the construction of the Temple, the importance of which for Ben Sira should not be underestimated, especially given the attention paid in this poem to Aaron and Simon.[50] Solomon's other positive attributes, which follow mention of the Temple, mirror verses 44:3–6 in that rulership, wisdom, and song are listed in this order. This list, however, is juxtaposed to the statement that Solomon "brought a blemish" on his honor. The subsequent verse 47:22 explains why his offspring continued and, hence, his remembrance: "He (God) [does not cut off] the progeny and posterity [of] His [chosen ones]."[51] The fact that Ben Sira

46 The phrase בדורותם in verse 1 implies the eminent position of the fathers among their contemporaries. For a similar sense to the preposition *beth*, see Jos 14:15, Jer 46:18 and Cant 1:8.

47 Thus my interpretation differs from the characterization given by von Rad, *Weisheit in Israel* 331–32, who suggests that the long hymn is a praise of what God has rendered through great men, though my interpretation complements his general summation of Ben Sira's teaching as drawing on the example of the pious man.

48 This passage is preserved in the Genizah manuscript and in the Syriac version, but not the Greek. Ben Sira does mention the names of Dathan, Abiram, and Korah, but only in the context of identifying three rebellious groups. Nothing is said of the individuals specifically. He also mentions Rehoboam and Jeroboam in passing.

49 Verse 49:4 reads: "All of them (the kings) acted corruptly except David, Hezekiah, and Josiah."

50 This observation was suggested to me by a reader of the paper.

51 This translation follows the reconstruction of Segal, *Sefer Ben Sira*, 327.

must explain why Solomon has not been forgotten suggests that his continued remembrance is unexpected. Implicit is the idea that Solomon's deeds and accomplishments, those listed in verses 47:13–18, would not, by themselves, earn him a name for posterity since they were accompanied by sinful behavior. Even in this exception, therefore, Ben Sira is able to emphasize that wealth, power, wisdom, and poetic achievement do not by themselves engender an eternal remembrance.

In conclusion, the prelude to the Praise of the Ancestors asserts a distinction between those who earn a limited fame through their power, ability, or wisdom and those who win an eternal glory through their pious deeds. Based on a study of the syntax and rhetoric of the initial verses, it has been demonstrated that verses 3–6 refer to professions which, by themselves, engender a limited fame. Verses 8–9 explicitly and unambiguously state that this type of glory does not secure a lasting remembrance, though it does not prevent it. The following verses explicate, on the other hand, that piety and righteousness do produce a "lasting name." The structure of the text, divided in two roughly equal halves, and the parallelistic similarities between these two verse paragraphs, complement the distinction between earning fame with piety and earning fame without it. The strategic distribution of three lexemes – כבד, שם, and דור – further highlights the contrast. The importance of this interpretation for the Praise of the Ancestors as a whole is that it suggests a frame through which to interpret the praise: in contrast to those who are honored exclusively because of their wealth or influence, the heroes of Ben Sira's hymn have distinguished themselves through their piety.

Flavius Josephus and *The Book of Jubilees*

A Question of Source

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Twentieth-century scholars have noted a number of points of similarity between *The Book of Jubilees* and Josephus's *Jewish Antiquities*. In particular, attention has been drawn to certain enhancing details that appear in each author's interpretive rewriting of the Genesis narrative. A systematic exploration of the exegetical methods and strategies employed in *The Book of Jubilees* and in *Jewish Antiquities*, Book I, demonstrates that the affinities in exegesis extend well beyond the nineteen previously acknowledged examples. Of forty-eight instances of parallel exegesis found in the two works, twenty-eight appear in no other known, extant work from the Second Temple period. The parallels include sixteen examples of exegesis responding to perceived problems within the biblical text ("pure exegesis") and thirty-two examples of exegesis deriving from a perspective external to the biblical text ("applied exegesis"). Nine of the affinities in pure exegesis and nineteen of those characterized as applied exegesis are exclusive to these two texts. There is no explicit reference to *Jubilees* in the Josephan corpus; but the quantity and quality of the similarities in exegesis supports the reasonable conjecture that Josephus was familiar with *The Book of Jubilees*.

In their historical settings, the religious and political programs that engaged their creators, and the circumstances that prompted their compositions, *The Book of Jubilees* and *Jewish Antiquities* are notably dissimilar. The eponymous author of *Jubilees* lived in Judea during the Maccabean period;[1] residing in Rome, Flavius Josephus completed *Antiquities* more than a century after the heirs of the Maccabean venture had lost political power. Purity, separation, legal and calendrical issues are the striking concerns in *Jubilees*; Greek historiographical principles, Jewish apologetics, and hellenizations of narrative are the notable markers of *Antiquities*.[2] No less disparate is the authority offered to sanction each work. The *Jubilees* reworking of Genesis is a revelation by an angel speaking to Moses on Sinai (*Jubilees* 1); the biblical portion of Josephus's history is a

1 On the date of *Jubilees*, see J. VanderKam, ed., *The Book of Jubilees: A Critical Text* (2 vols.; Louvain: Peeters, 1989) 2:v–vi, and his essay, "The Origins and Purposes of *The Book of Jubilees*" in M. Albani, et al., eds., *Studies in The Book of Jubilees* (Tübingen: Mohr, 1997) 3–24.

2 On the central motifs of *Jubilees*, see VanderKam, "Origins and Purposes." On the principles governing Josephus's treatment of biblical narrative, see L. Feldman, *Josephus's Interpretation of the Bible* (Berkeley: Univ. of California, 1998) part one; and T. Franxman, *Genesis and the Jewish Antiquities of Flavius Josephus* (Rome: Biblical Institute, 1979).

translation of the Scripture records which the author avows to set forth "neither adding nor omitting anything" (*Ant.* 1.5, 17).

Such sharp distinctions notwithstanding, within the history of biblical interpretation there are features of the two works that invite comparison. Both authors engage in rewriting of narrative as a venue for biblical exegesis;[3] in their approaches they employ comparable strategies and use the same methods and techniques. Moreover, in numerous instances the similarities are substantive, be it in the nature of the exegetical resolution of a perceived problem within the biblical text or in the enriching details each inserts to supplement his presentation of that text.

In this essay, I explore those similarities as a potential element in the history of the transmission of *The Book of Jubilees*. Only two clear points in that historical process can be stated incontrovertibly. Fragments of numerous manuscripts discovered at Qumran establish that the pseudepigraphic work was not only known, but also valued by the sectarians.[4] Extant manuscripts confirm that the Hebrew text of *Jubilees* subsequently came into the hands of the Greek Church where it was translated and from whence it subsequently passed to the Latin and to the Ethiopic churches.[5] Apart from these two points, the transmission process is notably unclear. Particularly inconclusive is the relationship between *Jubilees* and traditions that appear in certain other pseudepigraphic texts. Some scholars have asserted that *Jubilees* served as a source for *Genesis Apocryphon*; others have maintained a reverse priority.[6] Similarly, a number of scholars have stressed the limitations of textual criticism in even identifying and dating a Jewish stage in the compositional history of the *Testaments of the Twelve Patriarchs*.[7] But, recently

3 On the debate over "rewritten bible" as a genre classi fication, see G. Vermes, *Scripture and Tradition in Judaism: Haggadic Studies* (Leiden: Brill, 1961) 95; P. Alexander, "Retelling the Old Testament," in D. A. Carson and H. G. Williamson, eds., *It is Written: Scripture Citing Scripture* (Cambridge: Cambridge Univ. Press, 1988) 99–121; G. W. E. Nickelsburg, "The Bible Rewritten and Expanded" in M. E. Stone, ed., *Jewish Writings of the Second Temple Period* (Assen: Van Gorcum and Philadelphia: Fortress, 1984) 89–129; D. Harrington, "Palestinian Adaptations of Biblical Narratives and Prophecies" in R. Kraft and G. W. E. Nickelsburg, eds., *Early Judaism and Its Modern Interpreters* (Philadelphia: Fortress and Atlanta: Scholars Press, 1986) 239–47; and D. Dimant, "Use and Interpretation of Mikra in the Apocrypha and Pseudepigrapha" in M. J. Mulder, ed., *Mikra* (Assen: Van Gorcum and Philadelphia: Fortress, 1988) 379–419.

4 J. VanderKam and J. T. Milik, "Jubilees," *Qumran Cave 4. VIII Parabiblical Texts, Part I*, DJD 13 (Oxford: Clarendon, 1994) 1–140.

5 Of the translations, only the Ge'ez preserves the full text; the single Latin version from the fifth-sixth century includes about one-third of the text; the Greek remains only in the form of allusions and near citations by Greek authors (VanderKam, *The Book of Jubilees*, 1:ix–xvi). On the evidence for a Syriac version, see 2:xiv–xvi.

6 On the debate over the chronological relationship between *Jubilees and Genesis Apocryphon*, see J. Fitzmeyer, *The Genesis Apocryphon of Qumran Cave I* (Rome: Biblical Institute Press, 1971) 16–19.

7 On the *Testaments of the Twelve Patriarchs*, see H. W. Hollander and M. DeJonge, *Testaments of the*

one scholar has argued that *Jubilees* was known to the author of the *Aramaic Levi Document* which, in turn, influenced the development of the *Testament of Levi*.[8]

No such issues of textual development and chronological sequence come into play in an inquiry into the relationship between *Jubilees* and Josephus's *Antiquities*. In this instance, the major problem is that similarities may reflect another source or a common tradition rather than the direct influence of the one text upon the other. For the moment, we will set that issue aside and pose a simple question: To what extent does textual evidence indicate that Josephus was familiar with material that appears in *The Book of Jubilees*? The question of the sources Josephus utilized in his history of the Second Temple period has long been a subject of interest for Josephan scholars.[9] In contrast, despite the extensive growth of scholarship on pseudepigraphic literature, comparable attention has not been given to the sources of Josephus's biblical exegesis. Except for Rappaport's early study which focused primarily on rabbinic material[10] and a summary overview in Feldman's recent *Josephus's Interpretation of the Bible*,[11] the question of Josephus's utilization of pseudepigraphic literary traditions in general, and the *Book of Jubilees* in particular, has not been explored systematically. On the other hand, points of similarity between *Jubilees* and *Antiquities* have consistently been acknowledged, if only in footnotes. In early twentieth-century scholarship, five specific instances of affinity between *Jubilees* and *Antiquities* were noted:

1. All creatures spoke a common tongue before the exile from Eden (*Jub.* 3:28; Ant. 1.41; 1.50).[12]

Twelve Patriarchs: A Commentary (Leiden: Brill, 1985) 83; and J. Collins, "The Testamentary Literature in Recent Scholarship" in Kraft and Nickelsburg, *Early Judaism*, 268–78.

8 J. Kugel, "Levi's Elevation to the Priesthood in Second Temple Writings," *HTR* 86 (1993) 1–64.

9 For example, see H. St. J. Thackeray, *Josephus, the Man and the Historian* (New York: Jewish Institute of Religion, 1929; reprint with preface by G. F. Moore and introduction by S. Sandmel [New York: Ktav, 1967]); T. Rajak, *Josephus: The Historian and His Society* (Philadelphia: Fortress, 1984); S. J. D. Cohen, *Josephus in Galilee and Rome: His Vita and Development as a Historian* (Leiden: Brill, 1979) 24–66; and D. Schwartz, *Agrippa* (Tübingen: Mohr, 1990) 31–39. On some of the differences between them, see S. J. D. Cohen "The Modern Study of Ancient Judaism" in S. J. D. Cohen and E. Greenstein, eds., *The State of Jewish Studies* (Detroit: Wayne State Univ. Press, 1990) 60–61.

10 S. Rappaport, *Agada und Exegese bei Flavius Josephus* (Frankfurt: J. Kauffmann Verlag, 1930). On Josephus's knowledge and use of midrashic traditions, see also A. Schalit, ed. and trans., *Antiquitates Judaicae* (3 vols.; Jerusalem: Bialik, 1955) 1:xxxix–xli (Heb.).

11 Feldman, *Josephus's Interpretation*, 51–56; 68–70. In his study of Josephus's treatment of Genesis, Franxman refers to exegesis in *Jubilees* and other pseudepigraphic texts, but as discussed below, he avoids conclusions about the significance of the parallels.

12 Thackeray, *Jewish Antiquities*, 4:21 n."b"; *Josephus, The Man and the Historian*, 92; Rappaport, *Agada und Exegese*, xx; L. Ginzberg, *Legends of the Jews* (7 vols.; Philadelphia: Jewish Publication Society, 1909–38) 5:94 n. 58.

2. Ham, not Japheth, is the youngest of the three sons of Noah (*Jub.* 7:10; *Ant.* 1.109).[13]
3. In the antediluvian era the science of heavenly bodies was inscribed on pillars (*Jub.* 8:2–3; *Ant.* 1.70).[14]
4. The bones of Joseph's brothers were taken out of Egypt before the Exodus and buried at Hebron (*Jub.* 46:9; *Ant.* 2.199).[15]
5. The unnamed daughter of Pharaoh (Exodus 2:5–10) is identified as Tarmuth/Thermuthis (*Jub.* 47:5; *Ant.* 2.224).[16]

Contemporary scholars, primarily Josephan specialists, have identified fourteen additional points of similarity.[17]

6. A geographic description of territories supplements the division in Genesis 10 (*Jub.* 8:12–9:13; *Ant.* 1.122–139).[18]
7. The table of nations is restricted to the children of the sons of Noah and territorial assignments are "blocked-in" (*Jub.* 8–9:13; *Ant.* 1.122, 139).[19]
8. The Tina/Tanais (Don) River is identified within the territory of Japheth (*Jub.* 8:25, 28, 9:8; *Ant.* 1.122).[20]
9. The western extent of the world is Gadir/Gadeira, i.e., Gades (Cádiz) in the territory of Japheth (*Jub.* 8:26; 9:12; *Ant.* 1.122).[21]
10. Reference is made to the Amanus mountain range (*Jub.* 8:21; 9:4; *Ant.* 1.122, 130).[22]
11. The territory across the top of Africa is assigned to the sons of Ham (Cush, Egypt, Put and Canaan) (*Jub.* 8:23–25; 9:1; *Ant.* 1.130–139).[23]
12. The Chaldeans are traced to Arpachshad (*Jub.* 9:4; *Ant.* 1.144).[24]

13 Rappaport, *Agada and Exegese*, xix–xx.

14 Ginzberg, *Legends of the Jews*, 5:149–50 n. 53; Thackeray, *Jewish Antiquities*, 4:33 n."d"; Thackeray, *Josephus, the Man and the Historian*, 92; Rappaport, *Agada und Exegese*, 89–90 n.51.

15 Rappaport, *Agada und Exegese*, xix–xx.

16 Ginzberg, *Legends of the Jews*, 5:398 n.5; Thackeray, *Josephus: The Man and the Historian*, 92; Rappaport, *Agada and Exegese*, xix.

17 J.Kugel includes a number of examples of parallels in his *Traditions of the Bible* (Cambridge: Harvard Univ. Press, 1998). However, he explicitly disavows an interest in tracing relationships between sources (37).

18 Franxman, *Genesis*, 101–102.

19 Franxman, *Genesis*, 101; J.Scott, *Paul and the Nations* (Tübingen: Mohr, 1995) 43.

20 Franxman, *Genesis*, 102; Scott, *Paul and the Nations*, 43.

21 Franxman, *Genesis*, 102; Scott, *Paul and the Nations*, 43.

22 Franxman, *Genesis*, 102.

23 Franxman, *Genesis*, 108. Whereas Josephus states that Ham's fourth son settled in the land "now called Judaea and named it after himself Chananaeus" (*Ant.* 1.133), *Jubilees* has Canaan initially assigned to Shem. Subsequently, Ham's youngest son confiscates the territory and "for this reason that land was named the land of Canaan" (*Jub.* 10:29–34).

24 Franxman, *Genesis*, 115.

13. The thickness of the Tower of Babel is commented upon (*Jub.* 10:21; *Ant.* 1.116).[25]
14. Abram offers a sacrifice on the altar(s) he constructs after he arrives in Canaan (Genesis 12:7–8) (*Jub.* 13:4, 8–9; *Ant.* 1.157).[26]
15. A comparison of the antiquity of Hebron and Tanais is inserted into the narrative of Abram in Egypt (cf. Numbers 13:22) (*Jub.* 13:10–12; *Ant.* 1.170).[27]
16. Abram is specified as giving a tenth of the spoils of war to Melchizedek while the biblical text can be construed as being ambiguous on this point (*Jub.* 13:25; *Ant.* 1.182).[28]
17. The Arab nation is traced to Ishmael (*Jub.* 20:12–13; *Ant.* 1.221, 239; 2.213).[29]
18. There are no marriage negotiations with or circumcision of the Shechemites in the Dinah narrative (Genesis 34) (*Jub.* 30:3–4; *Ant.* 1.340–34).[30]
19. The Idumeans are traced to Edom and the line of Esau (*Jub.* 38:14; *Ant.* 2.1–6).[31]

Several aspects of the above list warrant comment. First, none of the Josephan scholars who point to one or more of the parallels professes to be undertaking a systematic comparison of exegetical traditions in *Jubilees* and *Antiquities*. Commenting on the identification of the descendants of Ishmael with the Arabs (17 above), Fergus Millar introduces the possibility of dependence, but then readily dismisses it with the argument that the relevant passages in *Jubilees* do not appear among the Hebrew fragments found at Qumran.[32] In the context of one of several parallels he finds in Josephus's rendering of early Genesis, Thomas Franxman is more forthcoming. The restriction of the territory assignments to "merely the sons of Japheth, Ham, and Shem" (7 above) suggests that "Josephus is, for a while at least, following a source which does in fact do just that: *The Book of Jubilees*."[33] However, with a number of other parallels, an almost perverse

25 Franxman, *Genesis*, 98.

26 Feldman, *Josephus's Interpretation*, 247.

27 Feldman, *Josephus's Interpretation*, 51 n. 60.

28 Feldman, *Josephus's Interpretation*, 167.

29 Fergus Millar, "Hagar, Ishmael, Josephus and the Origins of Islam," *JJS* 44 (1993) 36–37.

30 Feldman, *Josephus's Interpretation*, 313.

31 Feldman, *Josephus's Interpretation*, 322.

32 Millar, "Hagar, Ishmael, Josephus," 37. In contrast, J. VanderKam, "Jubilees and the Hebrew Texts of Genesis-Exodus," *Text* 14 (1988) 72, argues that "the grandfather" Ge'ez translation "is, insofar as it can be checked, a very precise reproduction of the original."

33 Franxman, *Genesis*, 101.

inversion in phrasing suggests that Franxman also is reluctant to make much of Josephus's awareness and/or use of *Jubilees*. In identifying the Chaldeans with the Arphaxadaeans (12 above), "*The Book of Jubilees* and the *Chronicles of Jerahmeel*, however, both echo what Josephus has done."[34] "*The Book of Jubilees*, twice over, adopts the format Josephus uses in describing the general territory occupied by the descendants of each of Noah's sons . . ." (6 above).[35] Josephus's summary of the territory assigned to Ham (11 above) is "quite reminiscent of the rather vague, but in general, intelligible limits set by the narrative of *The Book of Jubilees*."[36] Indeed, of the Josephan scholars who note the affinities, only Louis Feldman clearly places them in the context of a discussion, albeit too brief, of Josephus's dependence on *Jubilees*.[37]

Comparably notable is the exegetical nature of the nineteen parallels. The majority of them involve the addition of details whose primary function is to enhance the narrative. One case involves identification by proper name (5); five others provide geographical information (6, 8, 9, 10, 11); and in eight instances the supplement is of a quasi-historical (legendary) or historical nature (1, 3, 4, 12, 13, 15, 17, 19). The remaining five are of a different character. One involves construction of a passage that employs a common structure (7); another shifts the perspective of the biblical narrative (18); two others offer exegetical clarification (14, 16); and the fifth, identified by Rappaport, may have been understood as an attempt to harmonize conflicting biblical passages (2). Of the nineteen, only three (2, 14, 16) can be categorized as clearly arising from an issue within the biblical text. Thus, one might conclude that the affinities between *Jubilees* and *Antiquities* primarily involve interpretive elements unrelated to the biblical text. However, given the absence of a systematic comparison of the exegetical strategies operating in the two works, it is also possible that the emphasis on additions that originate from an external source reflects the focus of scholars. Until very recently, they have tended to be less attentive to interpretive readings that arise from exegetical issues within the biblical text.

Suggested by Geza Vermes in an essay first published in 1970, the distinction between the two types of exegesis differentiates "pure exegesis," i.e., an interpretation that issues from within the biblical text, and "applied exegesis," i.e., an interpretation that has its point of origin in a perspective external to the biblical text.[38] Subsequent scholars have criticized and refined Vermes's

34 Franxman, *Genesis*, 115 n. 48.

35 Franxman, *Genesis*, 102

36 Franxman, *Genesis*, 108

37 Feldman concludes that it is unlikely that Josephus used *Jubilees* as a model for "writing the *Antiquities*"; but on the other hand, he states that there is "evidence of Josephus's knowledge of such pseudepigraphic books as *Jubilees*" (Feldman, *Josephus's Interpretation*, 15, 51).

38 G. Vermes, "Bible and Midrash: Early Old Testament Exegesis" in *CHB* 1 (1970) 199–231; reprinted in *Post-Biblical Jewish Studies*, SJLA 8 (Leiden: Brill, 1975) 59–91.

system;[39] but with the noted exception of James Kugel who instead adopts a broad distinction between polemics and exegesis, most contemporary scholars of biblical interpretation employ Vermes's terminology, if not his classifications.[40] Sympathetic to Kugel's stress on placing the exegete in closer relationship to the biblical text, but eschewing his classification system in favor of Vermes's categories, this study of *Jubilees* and *Antiquities* will demonstrate that the level of affinity between their interpretations of Genesis is far more extensive than previous scholarship has acknowledged.

Clarification of Terminology[41]

Type of Exegesis indicates the source or point of origin that drives a particular interpretation; it does not describe what the interpretation does or specifically how it alters the biblical text. More simply, identification of *Type* responds to such questions as: "What invites the interpretation?" or "What is the source that inspires the interpretation?" Insofar as the interpretation draws its impetus from some problem or dissonance within the biblical text, it is classified as *Pure Exegesis*. Concomitantly, insofar as it originates from a perspective outside the biblical text and attempts to inform that text with an aspect, be it polemical or simply descriptive, of the interpreter's present, it is considered to be *Applied Exegesis*. The types are by no means mutually exclusive. To the contrary, a particular interpretation may at one and the same time be both. In other words, the resolution it offers to a problem within the biblical text may also serve a particular ideological interest or otherwise reflect the perspective of the author's own era.[42]

Method of Exegesis has the biblical text as its point of reference and responds to the question: "What does the exegesis do to the biblical text?" Methods employed in the context of *Pure Exegesis* include harmonization of contradictions and inconsistencies; clarification of the ambiguous; elimination of dissonance;

39 For examples of use with clarification, see M. Bernstein, "4Q252: From Rewritten Bible to Bible Commentary," *JJS* 45 (1994) 1–2; and the chapter on exegesis in B. Halpern-Amaru, *The Empowerment of Women in the Book of Jubilees*, SJSJ 60 (Leiden: Brill, 1999) 133–46. For a critical approach, see D. Dimant, "Use and Interpretation," 382–83.

40 Kugel does not so much attack Vermes's classification as ignore it. In his argument for the existence of a body of standard explanations of various problems and peculiarities in the biblical text, he groups non-polemical additions that enhance the biblical narrative together with interpretations that arise from textual issues. See J. Kugel, *In Potiphar's House: The Interpretive Life of Biblical Texts* (San Francisco: Harper, 1990) chap. 9; and multiple examples within the compilation of exegetical selections in his *Traditions of the Bible*.

41 The intent is not to offer a new set of classifications, but rather to avoid confusion by describing precisely how I am employing the current terminology.

42 In my study of the portrayal of women in *Jubilees*, I describe such exegesis as "dual functioning" (137–43).

and removal of lacunae. Methods employed in the context of *Applied Exegesis* include enhancement or enrichment of the narrative; and modification of characterization and/or of narrative perspective.

Precisely which type of exegesis and method is being applied is not always readily clear. In employing these analytical categories, one must decide whether the problem the interpretive reworking resolves is inherent in the text (*Pure Exegesis*) or if its problematic nature arises relative to the perspective of the interpreter whose perception the contemporary reader might even share (*Applied Exegesis*). Particularly difficult is a precise discrimination between exegetical reworkings that address textual dissonance, what Vermes has described as "texts unacceptable in their literal meaning" (*Pure Exegesis*)[43] and those that modify a characterization or narrative perspective for reasons of ideology, apology, or polemic (*Applied Exegesis*). In the forthcoming listing that particular discrimination is based upon the extent to which a particular text has invited comment by other exegetes and upon a relative judgment call of what constitutes dissonance.

Technique refers to a particular exegetical strategy and responds to the question: "How does the exegete effect a particular change to the biblical text?" *Techniques* employed with all the methods in *Pure* and *Applied Exegesis* include addition of small or large blocs of material; deletion/omission of small or large blocs of material; summarization; and rearrangement.

Exegetical Affinities Between *Jubilees* and *Antiquities*

The following enumeration categorizes the exegetical similarities by type and method. The sequence of items within the list follows the chronology of the biblical narrative except where select weighting factors deem otherwise. Chief among those factors is identification of an alternative source(s) that Josephus might have been familiar with. Without interrupting the numbering within each category, such instances appear under a separate heading and, assigned a low priority, are placed at the end of the listings. At the other end of the spectrum, additions take precedence over omissions which are noted only when they demonstrate common treatment of a significant theme; and the specific is ranked higher than the general. The greatest weight is assigned to items that demonstrate similarity of components — in concept, if not phrasing; in contextual placement; and in the impact the interpretive reworking has on the biblical text. Within the applied exegesis there is no expectation that the common impact reflects shared agendas or polemical interests. Indeed, quite to the contrary, as the affinities under applied exegesis listed below demonstrate, the extent to

43 Vermes, "Bible and Midrash," 74–85.

which very different agendas can be served by the same exegetical strategy is noteworthy. On the other hand, common recognition of a problem or issue in the biblical text is not sufficient to qualify an item to be included with the examples of pure exegesis. The measure of affinity lies not in recognition of a problem, but rather, in evidence of a similar resolution that suggests a common understanding of the reinterpreted text.

The enumeration incorporates all of the points of affinity noted in the earlier scholarship with the exception of one — Ham, not Japheth, is the youngest son of Noah (2 above). In Josephus the chronological order of the sons of Noah is consistently Shem, Japheth, Ham (*Ant.* 1.109, 141), thereby harmonizing Gen 9:18 (Shem, Ham, and Japheth) and a reading of Gen 9:24 which would understand Ham to be the "youngest son."[44] There is no comparable harmonization in *Jubilees*. A series of formal birth notices explicitly sets the order of the sons as Shem, Ham, and Japheth (*Jub.* 4:33). The ambiguity of the Hebrew *haqatan* in Gen 9:24 is retained in the Ge'ez *zayene'es* which could denote the younger (i.e., the second) or the youngest (i.e., the third) son (*Jub.* 7:10).[45] Consequently, in this particular instance one cannot argue for a parallel in the exegesis of *Antiquities* and *Jubilees*.

I. Applied Exegesis

A. Narrative Enhancement

Geographic, Historical, Quasi-Historical Data

1. The daughter of Pharaoh, unnamed in Exodus, is named Tarmuth/Thermuthis.[46] *Texts: Jub.* 47:5; *Ant.* 2.224. *Technique:* Addition. *Nature of Affinity:* Substantive addition in same context.

The proper name is known to Syncellus (1.227), but appears in no earlier preserved source. That the name may have originated with the author of *Jubilees* is suggested by his predilection to assign names to women who are unnamed in the biblical narrative.[47]

44 The Hebrew *haqatan* could be read either as "youngest" or "younger." Unlike the LXX which has *neoteros* (younger son) in Gen 9:24, Josephus adopts the superlative reading (*neotatos ton paidon*) (*Ant.* 1.141) and adjusts the chronological order of the sons accordingly. With the ambiguous Hebrew phrase, *aḥi Japheth haggadol* (Gen 10:21), signifying either Shem or Japheth as the elder, Josephus again adopts a reading in contrast to the LXX. (See also *b. San* 69a and *Gen. Rab.* 37.7.)

45 The Hebrew for this passage is not extant. VanderKam's translation of the Ge'ez, "his youngest son," is unfortunately misleading. There is no special superlative form for *zayene'es* which appears in 7:10 and 7:13.

46 Noted in Ginzberg, *Legends of the Jews*, 5:398 n. 5; Thackeray, *Josephus: The Man and the Historian*, 92; Rappaport, *Agada und Exegese*, xix; and Kugel, *Traditions of the Bible*, 528.

47 On the meaning and significance of the names *Jubilees* assigns to the antediluvian wives, see J. Rook, "The Names of the Wives from Adam to Abraham in the *Book of Jubilees*," *JSP* 7 (1990) 105–17. A different set of names appears in the *L.A.B.* genealogy of antediluvian daughters. *Jubilees* also assigns

2. The Arab nation descends from Ishmael.[48] *Texts: Jub.* 20:12–13; *Ant.* 1.221, 239; 2.213. *Technique:* Addition. *Nature of Affinity:* Substantive addition in same context.

Both texts place the association in the context of an expansion of Gen 25:1–4; Josephus then repeats it in a dream vision he creates for Amram (2.213). In *Jubilees*, the descendants of Ishmael and of Keturah "mixed with one another and were called Arabs and Ishmaelites" (*Jub.* 20:13). Josephus focuses the connection specifically on the descendants of Ishmael's firstborn, Nabaioth, "who conferred their names on the Arabian nation" (*Ant.* 1.221). In the subsequent narrative he links the sons of Ketura to the Arabs by having them take possession of "Troglodytis and that part of Arabia Felix which extends to the Red Sea" (*Ant.* 1.239).

3. The Tower of Babel was wider than it was high.[49] *Texts: Jub.* 10:21; *Ant.* 1.116. *Technique:* Addition. *Nature of Affinity:* Substantive addition in same context.

Both texts stress the size of the tower in terms of its width. *Jubilees* presents the precise measurements ("building it with bricks whose width was 13 units and whose height was a third of one unit"); Josephus offers the reader a mental image ("its thickness, however, was so stout as to dwarf its apparent height"). However, whereas *Jubilees* makes a point of how long it took (43 years), Josephus comments on the speed with which the tower was built (*Ant.* 1.115).

4. That Tanais was built seven years after Hebron is inserted into the narrative of Abram's stay in Egypt.[50] *Texts: Jub.* 13:10–12; *Ant.* 1.170. *Technique:* Rearrangement. *Nature of Affinity:* Displacement to similar context.

The statement regarding the relative antiquity of Hebron and Tanais (Zoan) appears in Num 13:22. In both our texts it is placed in the context of Abram's sojourn in Egypt, appearing during the course of Abram's stay in Egypt in *Jubilees* and immediately after his departure from Egypt in *Antiquities*.

In contradistinction to Genesis 12, *Jubilees* and *Genesis Apocryphon* (1Qap Gen. XIX, 9–10, 22–23) have Abram staying in Hebron for two years before the famine and thereafter living in Egypt for five years before Sarai is taken from him. According to 1Qap Gen. XIX, 22, Hebron had been built at the time of Abram's initial stay and a reference is made to the existence of Zoan (Tanais) immediately upon the couple's arrival in Egypt. Hence it appears to contradict Num 13:22. If, as some argue, *Genesis Apocryphon* were a source for *Jubilees*, it is possible that the point regarding the antiquity of Hebron was inserted to correct the earlier text.

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names to the unidentified wives of Jacob's sons. Of those names, Melcha, wife of Levi, also appears in *T. Levi* 11:1. Both sets of names appear in a Syriac list that attributes them to *Jubilees* (VanderKam, *The Book of Jubilees*, 2:XV; 31 n. 4:33).

48 Noted in Millar, "Hagar, Ishmael, Josephus," 36–37.

49 Noted in Franxman, *Genesis*, 98.

50 Noted in Feldman, *Josephus's Interpretation*, 51 n. 60.

5. The Idumeans are traced to Edom and the line of Esau.[51] *Texts: Jub.* 38:14; *Ant.* 2.1–6. *Technique:* Addition and Rearrangement. *Nature of Affinity:* Substantive addition in similar context.

In *Antiquities* the connection between Edom and Idumaea is explicit ("Esau . . . ruled over Idumaea, calling the country thus after himself, for he bore the surname of Adom" [2.1]), whereas in *Jubilees* it is implied ("And the sons of Edom have not quit of the yoke of servitude which the twelve sons of Jacob imposed upon them until this day" [38:14]). Josephus places the connection in the context of the sale of the birthright for lentils (Esau/Edom; Gen 25:30), a narrative he moves to after Isaac's death. In *Jubilees* the association between Esau and the Edomites is unconnected to the lentil tale, but it also comes in the context of the relationship between Jacob and Esau after Isaac's death.

6. In contrast to Genesis 10, the table of nations is limited to two generations and territorial assignments are "blocked in."[52] *Texts: Jub.* 8–9:13; *Ant.* 1.122–139. *Technique:* Deletion/Addition. *Nature of Affinity:* Structural reworking of material.

In *Jubilees*, the first division, establishing borders, is among Shem, Ham, and Japheth in that order (*Jubilees* 8); a description of specific territorial assignments moving from south to north (Ham, Shem, and Japheth) follows in a second division (*Jubilees* 9). Both precede the narrative of the Tower of Babel. In Josephus the division among the sons and, thereafter, the grandsons, follows the Genesis order of Japheth, Ham, and Shem and comes after the Tower of Babel narrative.

7. Descriptions of territorial assignments supplement the table of nations in Genesis 10.[53] *Texts: Jub.* 8:12–9:13; *Ant.* 1.122–139. *Technique:* Addition. *Nature of Affinity:* Substantive addition in similar context.

Jubilees presents the geographic descriptions as part of the first division that assigns territory by lot to the sons of Noah and, in more detail, as features of the subsequent subdivision among their sons. Josephus, on the other hand, presents the descriptions in the context of a presentation that associates each heir with the name of his territory (*Ant.* 1.122).

8. The Chaldeans are traced to Arpachshad.[54] *Texts: Jub.* 9:4; *Ant.* 1.144. *Technique:* Addition. *Nature of Affinity:* Substantive addition in same context.

In both texts, the addition comes in the context of a description of the territory assigned to Arpachshad. Thackeray, who misses the parallel with *Jubilees*, attributes the connection in *Antiquities* to Josephus recognizing the word *kesed* (hence

51 Noted in Feldman, *Josephus's Interpretation*, 322.

52 Noted in Franxman, *Genesis*, 101–102; Scott, *Paul and the Nations*, 43.

53 Noted in Franxman, *Genesis*, 101–102; Scott, *Paul and the Nations*, 41–43.

54 Noted in Franxman, *Genesis*, 115 n. 48; Schalit, *Antiquitates Judaicae*, 2:30 n. 164.

Chasdim), in the last three letters of Arphaxades.[55] Thus, the two ancient exegetes may have made the association independently.

9. The sons of Ham are assigned territories across the top of Africa.[56] *Texts: Jub.* 8:23–25, 9:1; *Ant.* 1.130–39. *Technique:* Addition. *Nature of Affinity:* Substantive addition in similar context.

Both texts assign the four brothers, Cush, Egypt, Put, and Canaan, territories across the top of Africa from east to west. In *Jubilees*, Canaan subsequently settles in territory seized from Shem, "the land of Lebanon — from Hamath to the entrance of Egypt" (*Jub.* 10:29–34), whereas Josephus has Canaan settling "in the country now called Judea" from the outset (*Ant.* 1.133). The parallel could reflect Strabo or common knowledge.

10. Reference is made to the Amanus mountain range in the description of the territorial divisions.[57] *Texts: Jub.* 8:21, 9:4; *Ant.* 1.122, 130. *Technique:* Addition. *Nature of Affinity:* Substantive addition in similar context.

In *Jubilees* the Amanus range is part of the territory of Shem; in *Antiquities* it is a natural boundary mark. This parallel also could reflect Strabo or common knowledge.

Affinities with other potential source(s) identified

11. The Tina/Tanais (Don) River is identified within the territory of Japheth.[58] *Texts:* Jub. 8:25, 28, 9:8; *Ant.* 1.122. *Technique:* Addition. *Nature of Affinity:* Substantive addition in same context. *Other Source:* The Tina appears as a comparable geographic marker in the antediluvian land divisions in 1Qap Gen XVI, 9–12.

Jubilees presents the Tina as a boundary between Shem and Japheth; but Josephus has the Japhethites occupy territory on both sides of the river. The parallel could also reflect Josephus's awareness of Strabo or be common knowledge.

12. The western extent of the world is Gadir/Gadeira (Cádiz) in the territory of Japheth.[59] *Texts: Jub.* 8:26, 9:12; *Ant.* 1.122. *Technique:* Addition. *Nature of Affinity:* Substantive addition in same context. *Other Source:* The geographic identification also appears in 1Qap Gen XVI, 10. It also could reflect awareness of Strabo or be common knowledge.

13. The serpent is able to speak to Eve because all creatures spoke a common tongue before the exile from Eden.[60] *Texts: Jub.* 3:28; *Ant.* 1.41; 1.50. *Technique:*

55 Thackeray, *Jewish Antiquities*, 4:70 n."d."

56 Noted in Franxman, *Genesis*, 108.

57 Noted in Franxman, *Genesis*, 102.

58 Noted in Franxman, *Genesis*, 102 and Scott, *Paul and the Nations*, 43.

59 Noted in Franxman, *Genesis*, 102; Scott, *Paul and the Nations*, 43.

60 Noted in Thackeray, *Jewish Antiquities*, 4:21 n."b"; Thackeray, *Josephus, The Man and the Historian*,

Addition. *Nature of Affinity:* Substantive addition in similar context. *Other Source(s):* Philo comments on the serpent's ability to speak in *Creation* 156, and also in *QG* 1, 1.32. However, in contrast to Josephus, he is clearly less than comfortable with the idea of animals speaking. The tone of the statements in *Antiquities* — "At that epoch all creatures spoke a common tongue" (*Ant.* 1.41) and "He moreover deprived the serpent of speech" (*Ant.* 1.50) — is far closer to *Jubilees* — "All the animals and everything that moves about were made incapable of speaking because all of them used to converse with one another in one language and one tongue" (*Jub.* 3:28). On the ability of animals to speak in rabbinic midrash, see Ginzberg, *Legends of the Jews,* 5:94, n.58; on the theme in Greek literature, note Plato, *Statesman*, 272 C, the *Iliad* 19.404–17, and Aesop's fables.

In *Antiquities* the statement appears as a preface to a paraphrase of the dialogue between the serpent and the woman and again at the description of the punishments God hands out before the departure from Eden. *Jubilees* states it only in the latter context.

14. The science of heavenly bodies is inscribed on a rock or pillar.[61] *Texts: Jub.* 8: 2–3; *Ant.* 1.70–71. *Technique:* Addition. *Nature of Affinity:* Substantive addition. *Other Source(s):* Plato, *Timaeus* 33 C1–3; *LAE* 50:1–2; *Apoc. Adam* 70:4–6; 75: 9–12; *Sefer Hayashar* 2:12–13; *Chr. Jerahmeel* 24:7.

Jubilees expresses a positive view of Enoch's knowledge of heavenly bodies (4:17); but in the context of the inscription, such knowledge is presented negatively as involving the teachings of the Watchers. Kainan found "an inscription which the ancients had incised in a rock. He read what was in it, copied it, and sinned on the basis of what was in it, since it was the Watchers' teaching by which they used to observe the omens of the sun, moon, and stars, and every heavenly sign" (8:3). In sharp contrast, Josephus's tale of how the Sethites tried to preserve the science of heavenly bodies by inscribing it on two pillars is consistently positive (1.70–71).

15. The scene of the Aqedah is identified as the site of the Temple. *Texts: Jub.* 18:13; *Ant.* 1.226. *Technique:* Addition. *Nature of Affinity:* Substantive addition in same context. *Other Source(s): Tg. Onq.* Gen 22:14; *Tg. Neof.* Gen 22:14. For rabbinic sources, see Ginzberg, *Legends of the Jews*, 5:253 n.149.

92; Rappaport, *Agada und Exegese*, xx; Ginzberg, *Legends of the Jews*, 5:94 n.58; L. Feldman, "Hellenizations in Josephus' Portrayal of Man's Decline," in J. Neusner, ed., *Religions in Antiquity. Essays in Memory of Erwin Ramsdell Goodenough* (Leiden: Brill, 1968) 340; and Kugel, *Traditions of the Bible*, 99.

61 Noted in Ginzberg, *Legends of the Jews*, 5:149–50 n.53; Thackeray, *Jewish Antiquities*, 4:33 n."d;" Thackeray, *Josephus, the Man and the Historian*, 92; Rappaport, *Agada and Exegese*, 89–90 n.51. For an extensive history of the tradition of the pillars, see Wolfgang Speyer, *Bücherfunde in der Glaubenswerbung der Antike. Mit einem Ausblick auf Mittelalter und Neuzeit.* Hypomnemata; Untersuchungen zur Antike und ihrem Nachleben, Heft 24 (Göttingen, 1970).

16. The bones of Joseph's brothers were taken out of Egypt before the Exodus and buried at Hebron.[62] *Texts: Jub.* 46:9–10; *Ant.* 2.199. *Technique:* Addition. *Nature of Affinity:* Substantive addition in same context. *Other Source(s):* The tradition that has the burial at Hebron appears in 4Q543 and in the *Testaments of the Twelve Patriarchs*. In 4Q543 11, 16, as in *Jub.* 46:9, the burial specifically involves Amram and makes reference to a war. The date *Jubilees* records for the return to Canaan accords with one that appears in *T.Gad* 8.5 and *T.Benj.* 12.3, which also clearly present burial of the patriarch at Hebron. Josephus does not mention Amram in the context of the burial and does not indicate a specific date "Their bodies were carried some time afterwards by their descendants (and their sons) to Hebron and buried there. But as for Joseph's bones, it was only later . . ." (*Ant.* 2.199). In much of rabbinic literature (e.g., *Gen. Rab.* 100–11; *b.Soṭa* 7b), the burial is not clearly separate from that of Joseph's bones at the time of the Exodus.[63]

B. MODIFICATION OF CHARACTERIZATION AND/OR NARRATIVE PERSPECTIVE

1. A new nature is created for humans after the Flood.[64] *Texts: Jub.* 5:12; *Ant.* 1.75. *Technique:* Addition. *Nature of Affinity:* Substantive addition in same context that alters the perspective of the biblical narrative.

In both works the addition appears in the context of a description of the destruction of the offspring from the union of the sons of God and the daughters of men. In Josephus, there is a single punishment that includes the crossbred creations and all mankind then existing; in *Jubilees* they are treated as separate punishments (*Jub.* 5:4–5; 5:6–11).

Since both texts retain the subsequent covenant with Noah (*Jub.* 6:15–16; *Ant.* 1.101–103), the function of the addition is not to replace that reassurance. In *Jubilees* the addition introduces an excursus on the nature of the divine justice that will be exercised in the post-diluvian era (*Jub.* 5:13–19). Josephus, on the other hand, appears to use the addition to create a narrative flow within Gen 6:2–7 and to link Gen 6:3 with Deut 34:7.[65]

2. The central issue in the Dinah narrative is marriage to a "foreigner."[66] *Texts: Jubilees* 30; *Ant.* 1.338–39. *Technique:* Addition/Deletion. *Nature of Affinity:*

62 Noted in Rappaport, *Agada und Exegese*, xix–xx; Franxman, *Genesis*, 283 n.16. I have treated this item as an enriching addition of an historical/pseudo-historical nature. Insofar as it is motivated by a desire to exclude the possibility that the bones of Jacob's sons remained buried in Egypt, it could just as readily have been classified as a modification of the perspective conveyed in the biblical narrative.

63 See Schalit, *Antiquitates Judaicae*, 2:52 n.94.

64 Kugel notes the affinity, but does not give attention to how differently the addition functions within the context of each text (*Traditions of the Bible*, 215–16).

65 See Franxman's comments in *Genesis*, 83, 118.

66 Noted in Kugel, *Traditions of the Bible*, 407–408.

Addition and deletion in similar contexts of substantive components that alter the perspective of the biblical narrative.

Through extensive addition, the author of *Jubilees* reconstructs the Dinah story as a polemic against marriage to any "foreigner" (*Jub.* 30:7, 11, 13, 14). Josephus also employs the term "foreigner" and, albeit more discretely, focuses the reworked narrative around the intermarriage theme (*Ant.* 1.338).

3. Jacob chooses his bride before he comes to Mesopotamia. *Texts: Jub.* 25:6; *Ant.* 1.282. *Technique:* Addition. *Nature of Affinity:* Addition of substantive component that alters the biblical characterization.

Both authors add an indication that Jacob had decided to marry one of Laban's daughters before he met Rachel. *Jubilees* places the addition in Jacob's response to his mother's urging to take a wife from within her family. In the created conversation, Jacob tells Rebekah that he has heard about the daughters born to Laban and has "set my mind on them for the purpose of marrying one of them" (*Jub.* 25:6). Josephus places the addition in the mouth of God who assures Jacob at Bethel, "this marriage on which thine heart is set shall be consummated . . ." (*Ant.* 1.282).

Although placed in different contexts, the similarity in presentation ("set my mind on" and "on which thine heart is set") is noteworthy. The addition portrays Jacob as less impetuous and more resolute in the matter of choosing a wife, a theme of significance to both authors.

4. The paternal and maternal relationship between Laban and Jacob is stressed. *Texts: Jub.* 25:3, 5; *Ant.* 1.289; 296. *Technique:* Addition. *Nature of Affinity:* Addition of substantive component that alters the biblical characterization.

Whereas only the maternal connection is voiced in Genesis (by Rebekah in 27:23 and by Isaac in 28:2), the author of *Jubilees* sets the dual-sided relationship into a dialogue he creates between Rebekah and Jacob. Rebekah urges her younger son to marry someone from "my father's house and from my father's clan" (*Jub.* 25:3); and he responds that he "will marry (someone) from the descendants of my father's house and from my family" (*Jub.* 25:5). Josephus inserts the double connection twice. First, he has Jacob describe the family relationship to Rachel: "For Abraham, Arran, and Nahor were sons of Therrus and to Nahor was born Bathuel thy grandsire, and of Abraham and Sarra, daughter of Arran, came my father Isaac. But we have a closer and more recent pledge of kinship uniting us to each other, for Rebecca, my mother, is thy father Laban's sister; they had the same father and the same mother: so we are cousins, I and thou" (*Ant.* 1.289). Then Josephus has Jacob refer to the double relationship when he introduces himself to Laban: "Our grandfathers were brothers, and my mother brings us into yet closer relationship than that . . ." (*Ant.* 1.296).

Each author develops the patriarchal marriages as model ones and employs the addition as part of a positive polemic on behalf of endogamy which is evident in both texts, although less so in Josephus.

5. Rebekah initiates the idea of Jacob's marriage within her family. *Texts: Jub.* 25:3; *Ant.* 1.276, 278. *Technique:* Addition/Omission. *Nature of Affinity:* Addition of substantive component that alters the biblical characterization.

In *Jubilees* the addition (marry someone "from my father's house and from my father's clan. Marry someone from my father's house") (*Jub.* 25:3) appears in a created dialogue between Rebekah and Jacob that occurs well before the blessing of Jacob disguised as Esau. Josephus attributes the idea of the marriage to Rebekah's initiative in two paraphrased accounts of how Jacob came to go to Mesopotamia. Jacob was rescued by his mother "who persuaded her husband to take a wife for him from his kinsfolk in Mesopotamia" (1.276) and "Jacob was sent by his mother to Mesopotamia to espouse the daughter of her brother Laban, Isaac consenting to the marriage in compliance with his wife's wishes" (1.278).

Both authors use the addition to eliminate the implication that Rebekah was perpetrating a second deception of Isaac when she approached him about Jacob going to Laban. *Jubilees* makes the marriage a primary consideration for Rebekah long before Esau's anger has been aroused. Josephus effects a comparable rehabilitation by omitting Rebekah's expression of concern with Esau's plots (Gen 27:41–46) and concomitantly by stressing her initiation of the idea of the marriage.

6. Jacob's relationship with Leah is repaired. *Texts: Jub.* 36:23–24; *Ant.* 1.304. *Technique:* Addition. *Nature of Affinity:* Addition of substantive component that alters the biblical characterization.

Jubilees retains Jacob's initial hatred of Leah, but adds a death scene and an extensive description of how Jacob came to love her after Rachel's death. Josephus stresses Jacob's passion for Rachel rather than his disdain for Leah. But he, too, repairs the latter relationship by having Jacob's "affection being consequently drawn to her" (Leah) after the birth of the first son, Reuben (*Ant.* 1.303).

7. Jacob's blessing of his sons is summarized in a double-tiered set of predictions, one for the immediate future, the other for the long-range future.[67] *Texts: Jub.* 45:14; *Ant.* 2.194. *Technique:* Summarization. *Nature of Affinity:* Summary that alters characterizations in the biblical narrative.

Avoiding the negative content in some of the final blessings that Jacob bestows on his sons (Genesis 49), *Jubilees* and Josephus each develop a single summary blessing that is structured as a set of predictions, one for the immediate, the other for the more distant, future. For *Jubilees*, the positive, general blessing has the particular advantage of eliminating Jacob's condemnation of Simeon and Levi (Gen 49:3–5). For Josephus's apologetic purposes, it affords a more appealing final scene between the dying patriarch and the tribal chief heirs.

67 Noted in Kugel, *Traditions of the Bible*, 468–69.

8. The embalming of Jacob and the Egyptian focus in the description of his death in Gen 50:1–13 are deleted and specific reference is made to Hebron. *Texts: Jub.* 45:15; *Ant.* 2.196. *Technique:* Summary/Addition. *Nature of Affinity:* Summary that alters the perspective of the biblical narrative.

Like the author of *Jubilees*, Josephus removes the Egyptian embalming tradition and replaces the elaborate description of Jacob's burial in Genesis with a specific reference to Hebron. Consequently, the focus of the burial narrative is on the sons of Jacob rather than on the Egyptians. Similarly, both authors also delete the embalming of Joseph as does LXX Gen 50:26 (*Jub.* 46:8; *Ant.* 2.198).

9. The motif of the barren matriarch is omitted in the portrayals of Sarah, Rebekah, and Rachel. *Texts: Jub.* 12:9; *Ant.* 1.150 (Sarah); *Jub.* 19:13; *Ant.* 1.257 (Rebekah); *Jub.* 28:12; *Ant.* 1.302–303 (Rachel). *Technique:* Omission. *Nature of Affinity:* Omission of substantive component of biblical characterizations.

Both omit the motif, a key signature of the matriarch in Genesis, from their reworkings of Gen 11:30; 25:21; 29:31. Instead of making Sarai's childlessness the focal point of the marriage announcement, as in Gen 11:30, each introduces the subject in the context of the surrogacy of Hagar. Similarly, without any reference to Rebekah's initial barrenness (Gen 25:21), Josephus announces the conception (*Ant.* 1.257), and *Jubilees*, the birth (*Jub.* 19:13), of Esau and Jacob. In addition, both omit the characterization of Rachel as "barren." Making conception, not infertility, the expectation, *Jubilees* inverts the wording of Gen 29:31 such that it does not explain why Leah conceived, but rather, why Rachel did not.[68] Josephus, with no reference to Rachel, attributes Leah's fecundity to her "continual supplication to God" in order to win her husband's "esteem" (*Ant.* 1.303).

The omissions attend different interests in the two works. In *Jubilees* they promote a polemic that makes lineage, not barrenness, the marker of matriarchy. In *Antiquities*, they diminish the narrative prominence of women and hence serve Josephus's misogyny.[69]

10. No reference is made to Jacob giving Joseph a coat of many colors. *Texts: Jub.* 34:10–11; *Ant.* 2.9–10. *Technique:* Omission. *Nature of Affinity:* Omission of substantive component in the biblical characterization.

Dramatically reducing the narrative of the young Joseph and his brothers (*Jub.* 34:10–11), *Jubilees* makes no reference to Jacob's favoritism or to the gift of the

68 "God saw that Leah was hated and opened her womb; and Rachel was barren" (Gen 29:31) becomes "Rachel's womb was closed because the Lord saw that Leah was hated, but Rachel was loved" (*Jub.* 28:12).

69 On the polemic in the *Jubilees* treatment of the matriarchs, see Halpern-Amaru, *Empowerment of Women*, 33–73. For *Antiquities*, see J. L. Bailey, "Josephus' Portrayal of the Matriarchs," in L. Feldman and G. Hatai, eds., *Josephus, Judaism and Christianity* (Detroit: Wayne State Univ. Press, 1987) 154–79 and B. Halpern-Amaru, "Portraits of Biblical Women in Josephus's *Antiquities*," *JJS* 39 (1988) 143–70.

tunic. In contrast, Josephus acknowledges Jacob's favoritism which he attributes to Joseph's "beauty of person" and "virtuous qualities of soul" (*Ant.* 2.9–10), but says nothing of the gift. To the contrary, deprived of significance as a symbol of paternal partiality, the coat simply becomes "that tunic, which Joseph was wearing when he came to them" (*Ant.* 2.35–36), and in the ensuing deception, the clothing that identifies him — "if that was the garment he was wearing when dispatched from home" (*Ant.* 2.36).

The effect of the omission in both instances is a more positive characterization of Jacob who does not even inadvertently contribute to the sale of Joseph and subsequent deception.[70]

11. The dramatic conclusion is deleted from the expulsion scene of Gen 3:22–24. *Texts: Jub.* 3:26–29,32; *Ant.* 1.51. *Technique:* Omission. *Nature of Affinity:* Omission of substantive component that alters perspective of biblical narrative.

Not only do both texts remove the mythological elements, but they also both replace the drama of Genesis with far more casual language. "(God) dismissed them from the Garden of Eden" (*Jub.* 3:26); "Adam and his wife departed from the Garden of Eden. They lived in the land of Elda, in the land where they were created" (*Jub.* 3:32); "God removed Adam and Eve from the garden to another place" (*Ant.* 1.51).

The ideological basis that inspires the common distaste for the mythological implications of Gen 3:22–24 may be quite different for the two authors. The author of *Jubilees*, who places Eden in the territory of Shem and identifies the Garden with the Temple site (8:16,19), would find the dramatic expulsion inconsistent with the concept of return.[71] Josephus does not make a connection between Eden and the Temple or the Land; but the less dramatic reworked exile narrative is certainly more fitting for an historian.

12. Both texts remove the formulaic language of the divine dictate ("Let there be . . . and it was so") from the creation narrative and each refers once by paraphrase to creation by fiat. *Texts: Jub.* 2:2–14 with paraphrase in 2:5; *Ant.* 1.27–33 with parphrase in 1.27. *Technique:* Summarization. *Nature of Affinity:* Common structure that omits a substantive component of the biblical narrative.

The particular affinity is not simply the omission of the divine dictate in direct speech which is also characteristic of Philo's treatment in *Creation*, but rather the

70 The omission of the coat as a gift is the most striking of several common deletions that serve to enhance the patriarchs, e.g., the basis for Isaac's favoritism toward Esau in Gen 25:28 and Jacob's direct lie to Isaac in Gen 27:19.

71 On the Garden as sacred space in *Jubilees*, see Gary Anderson, "Celibacy or Consummation in the Garden? Reflections on Early Jewish and Christian Interpretations of the Garden of Eden" *HTR* 82 (1989)121–48 and J. Milgrom, "The Concept of Impurity in Jubilees and the Temple Scroll," *RevQ* 62 (1993)277–84. On a return to Eden in *Jubilees*, see B. Halpern-Amaru, "Exile and Return in *Jubilees*," in J. Scott, ed., *Exile: Old Testament, Jewish and Christian Conceptions* (Leiden: Brill, 1997) 142–44.

combination of that omission with a paraphrase of the dictate in one instance. In *Jubilees* the paraphrased dictate appears in association with the separation of the waters and consequent appearance of dry land. "On the third day He did as He said to the waters that they should pass from the surface of the whole earth to one place and that the dry land should appear" (*Jub.* 2:5).[72] Like the LXX, it ascribes a more active role to God than is apparent in MT Gen 1:9 ("Let the waters under the heaven be gathered together unto one place, and let dry land appear"). The omission of the dictate elsewhere in the *Jubilees* account of creation highlights its insertion, albeit paraphrased, in *Jub.* 2:5 where it reflects a position that its author subsequently states explicitly: "He created everything by his word; and all life (comes) from his presence" (*Jub.* 12:4).

Josephus uses a paraphrase of the dictate for creation of a special light (*Ant.* 1.27) to resolve the textual problem of references to day and night before the creation of the heavenly luminaries (Gen 1:3–5, 14). In general, the language he employs in presenting the creation process suggests a less direct role on the part of the Creator. Indeed, Franxman suggests that Josephus found in the phrasing of Gen 1:9 and Gen 1:20 "the warrant to employ a certain vagueness, or rather, indirectness in describing other creative acts . . . where manipulation is really meant to denote creation."[73] If such be the case, the rationale for the structure in *Antiquities* is diametrically opposed to that of its parallel in *Jubilees*.

Affinities with other potential source(s) identified

13. Abram came to recognize the existence of God through observation of the heavens. *Texts: Jub.* 12:16ff; *Ant.* 1.155–57. *Technique:* Addition. *Nature of Affinity:* Addition of substantive component that alters the biblical characterization. *Other Source: Apoc. Ab.* 7 and late midrashim.[74] On Abraham as an astrologer, see also Ps.-Eup. 9.17.3 and Artap. 1.

14. God assists in the deception of Isaac. *Texts: Jub.* 26:18; *Ant.* 2.173. *Technique:* Addition. *Nature of Affinity:* Addition of substantive component that alters the biblical characterization. *Other Source: Gen. Rab.* 65.19.

In *Jubilees* a "turn of affairs from heaven to distract his mind" accounts for Isaac not recognizing Jacob. Creating a comparable, but more vaguely defined form of divine intervention ("when thou was like to be deprived of the princedom by thy father, it was I who gave it thee"), Josephus inserts the words into God's reassurance of Jacob at Be'er Sheva on route to Egypt. In *Genesis Rabbah* the divine assistance takes the form of angels supporting Jacob as he is being blessed by Isaac.

72 On the divine dictate in *Jubilees*, see J. VanderKam, "Genesis 1 in Jubilees 2," *DSD* 1 (1994) 300–21.

73 Franxman, *Genesis*, 45

74 See M. Kister, "Observations on Aspects of Exegesis, Tradition, and Theology in Midrash, Pseudepigrapha, and Other Jewish Writings," in J. Reeves, ed., *Tracing the Threads: Studies in the Vitality of Jewish Pseudepigrapha* (Atlanta: Scholars Press, 1994) 24 n. 27.

15. Jacob does not distinguish between the placement of Leah and Rachel in the preparation for meeting with Esau. *Texts: Jub.* 29:13: *Ant.* 1.335. *Technique:* Omission. *Nature of Affinity:* Omission of substantive component of the biblical characterization. *Other Source: Tg. Neof.* Gen 33:2.

In Gen 33:2 in anticipation of possible conflict with Esau and his men, Jacob places the handmaidens and their children foremost, Leah and her child next, and Rachel and her children most distant from the encounter. *Jubilees* says nothing of the wives; Josephus deletes the distinction in placement. *Targum Neofiti* retains the distinction, but makes it solely between the wives and the concubines.

16. No reference is made to marriage negotiations or to circumcision in the story of Dinah and the Shechemites (Genesis 34).[75] *Texts:* Jub. 30:3–4; *Ant.* 1.340–41. *Technique:* Omission. *Nature of Affinity:* Omission of substantive component in the biblical narrative. *Other Source:* Philo, *Migr.* 39.224.

Jubilees omits the marriage negotiations and substitutes "killed them in a painful way" (*Jub.* 30:4) for the circumcision. Josephus also omits the negotiations and the circumcision, but has Jacob "aghast" at the attack by Simeon and Levi (*Ant.* 1.341). For *Jubilees* the omission is part of a major reconstruction that develops the narrative as a polemic against intermarriage either to a foreigner or to a circumcised *ger*. Josephus's more discrete reworking which has Jacob holding a council to discuss the marriage is designed to avoid "antagonizing Gentile readers."[76] Philo, like *Jubilees*, omits the circumcision and praises Simeon and Levi for their zeal. Thus, while reflecting their common opposition to intermarriage, the various reworkings reflect different polemical perspectives.

II. Pure Exegesis

A. HARMONIZATION

1. The prohibition against eating the fruit is addressed also to the woman who, like Adam, was created outside the Garden. *Texts: Jub.* 3:9–14, 18; *Ant.* 1.35–37, 40. *Technique:* Rearrangement/addition. *Nature of Affinity:* Rearrangement that harmonizes Gen 2:8, 16–17 and Gen 2:2–3.

In Genesis the prohibition against eating the fruit is directed to Adam before the woman has been created. Yet in the subsequent conversation between the serpent and the woman, the prohibition is presented as if it had been addressed to both Adam and the woman. Both texts change the sequence such that creation of the woman precedes entrance into the Garden.[77] *Jubilees* does not retain God

75 Noted in Feldman, *Josephus's Interpretation*, 313.

76 Feldman, *Josephus's Interpretation*, 313.

77 Understanding *miqqedem* as "of old," *Jubilees* has the garden created on the third day (2:7) and the man and woman entering it after their creation and the sexual differentiation (3:8–9). Josephus,

directly voicing the prohibition, but has the woman pointedly recalling it ("he told us") in her response to the serpent (*Jub.* 3:18). Retaining the divine command in its biblical context, Josephus has it addressed to "Adam and his wife" (*Ant.* 1.40).[78]

2. Before returning to Bethel, Jacob buries the household idols Rachel had taken from Laban. *Texts: Jub.* 31:2; *Ant.* 1.341. *Technique:* Addition. *Nature of Affinity:* Addition in same context that harmonizes Gen 31:19 and Gen 35:2.

In Genesis Rachel steals her father's household idols and secrets them from Laban when he subsequently pursues Jacob's family. The idols are not mentioned again. Jacob suddenly has his entourage turn over foreign gods immediately before returning to Bethel.

Totally omitting the narratives of the theft and Laban's subsequent search for his household idols, *Jubilees* specifically refers to them ("the idols that Rachel had stolen from her father") together with the foreign gods that are handed over to Jacob (*Jub.* 31:2). With some rationalizing of Rachel's motives, Josephus retains the earlier narratives and speaks only of the removal of Laban's idols at the purification scene where he relates specifically to the slaughter of the Shechemites.

The exegesis is dual functioning in both texts. In *Jubilees* the harmonization is accomplished in such a way as to minimize the discord between Laban and his daughters and at the same time to glorify Jacob as a destroyer of idols.[79] Josephus emphasizes Jacob's ignorance both of the theft and of the subsequent deceit of Laban ("he lit upon the gods of Laban, being unaware that Rachel had stolen them" [*Ant.* 1.341]). He presents Rachel as revering the gods "which the religion of her fathers made it customary to venerate" (*Ant.* 1.310).

3. Abraham selects Rebekah for Isaac and in the same context identifies her as the granddaughter of Nahor. *Texts: Jub.* 19:10; *Ant.* 1.242, 245. *Technique:* Addition. *Nature of Affinity:* Addition in same context to harmonize Gen 24:4 and Gen 24:38, 40.

The directions Abraham gives his servant in Gen 24:4 do not specify the family from which a bride is to be chosen ("go to the land of my birth and get a wife for my son Isaac"). However, when the servant subsequently describes those directions to Laban, he twice presents them as specifying "my father's house" and "my kindred" (Gen 24:38, 40).

Omitting the entire narrative of the servant, the author of *Jubilees* simply states

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however, reads *miqqedem* as "eastward" or "in the east" and describes God planting the garden only after the woman was created (*Ant.* 1.36–37).

78 In *Jubilees* the exegetical rearrangement is dual functioning in that entrance into the Garden by the woman and the man affords an opportunity for a legal excursus on laws of purification after childbirth (*Jub.* 3:8–14).

79 He does not simply bury the *terafim* — "he burned them, broke them into pieces, ruined them, and hid them beneath the oak which is in the land of Shechem" (*Jub.* 31:2).

that Abraham "took a wife for his son, Isaac." He immediately thereafter presents the genealogy of the bride – "the daughter of Bethuel, the son of Abraham's brother Nahor . . . the son of Milcah who was the wife of Abraham's brother Nahor" (*Jub.* 19:10). Josephus retains the narrative of the servant-delegate, but prefaces it with "Abraham, having decided to give him (Isaac) to wife Rebekah, the granddaughter of his brother Nahor." In addition, within the narrative, he changes the servant's prayer such that it specifically names Rebekah "for whose hand Abraham had sent him to sue on behalf of his son," and develops a speech in which the servant stresses the kinship between the two families (*Ant.* 1.252).

Targum Pseudo-Jonathan also harmonizes the two versions of the directions by changing the wording of Abraham's initial directions to accord with the rehearsal of them to Laban. But, unlike Josephus and *Jubilees*, the nature of the kinship tie between Rebekah and Abraham is not specified.

4. The money that Joseph surreptitiously returned to his brothers is discovered only after the brothers have returned to Jacob in Canaan. *Texts: Jub.* 42:12; *Ant.* 2.113. *Technique:* Deletion. *Nature of Affinity:* Deletion of same narratives to harmonize Gen 42:27, 35, 43:21.

According to Gen 42:27, one of the brothers discovers the returned money when the brothers are lodging overnight on the way back to Canaan. In Gen 42:35 all the brothers discover it in their sacks after they have arrived at the home of their father; but in Gen 43:21 the brothers tell Joseph's steward that they had all found the money at the lodging place.

In *Jubilees* and *Antiquities* only the discovery in Jacob's presence after the brothers have returned to Canaan (Gen 42:35) is retained. *Jubilees* refers to it in accounting for why Jacob feared to send Benjamin to Egypt. Josephus narrates the discovery in Canaan and maintains consistency by having the brothers tell the steward that they found the money only after their arrival home.

Philo also harmonizes the multiple contradictions. But in contrast to Josephus and *Jubilees*, he retains only the discovery by the one brother at the place of lodging (*Joseph* 180–81).

5. A point is made to stress that Laban is the son of Bethuel and the grandson of Nahor. *Texts: Jub.* 19:10; *Ant.* 1.153. *Technique:* Omission/addition. *Nature of Affinity:* Deletion and addition that harmonize Gen 22:20, 22–23 and Gen 29:5.

In speaking with the shepherds when he comes to Haran, Jacob identifies Laban as the "son of Nahor" (Gen 29:5). In all other passages he is the son of Bethuel and the grandson of Nahor. *Jubilees* totally omits the well scene where Jacob misidentifies Laban as "son of Nahor"; Josephus deletes the misidentification in a paraphrase of the dialogue (1.285). Both texts offer a pointed statement of the relationship of Laban (and Rebekah) to Nahor. *Jubilees* places it in the announcement of Rebekah's marriage to Isaac (*Jub.* 19:10). Josephus appends it

to the announcement of the marriage of Nahor and Milcah ("Bathuel, one of the legitimate children, had a daughter Rebecca and a son Laban") (*Ant.* 1.153).

B. CLARIFICATION. *Affinities with other potential source(s) identified*

1. The heavens and the earth are created on the first day. *Texts: Jub.* 2:1; *Ant.* 1.27–28. *Technique:* Addition. *Nature of Affinity:* Structural similarity in clarification of Gen 1:1. *Other Sources:* LXX; Philo, *Creation*, 29; and see also Rashi on Gen 1:1–2.

Both texts understand "in the beginning" and Gen 1:1 as referring to specific creations on the first day rather than as an overview to the creation narrative. *Jubilees* treats heavens and earth as two separate objects; Josephus presents them as an amalgam that are subsequently separated.

2. The offspring of the union of the sons of God with the daughters of men are called giants.[80] *Texts: Jub.* 5:1; *Ant.* 1.73–74. *Technique:* Addition. *Nature of Affinity:* Clarification of term in Gen 6:4. *Other Sources: 1 En.* 7:2; LXX.

3. After the Sodomite War Abram gives Melchizedek a tenth of the spoils.[81] *Texts: Jub.* 13:25;[82] *Ant.* 1.181. *Technique:* Addition. *Nature of Affinity:* Clarification of grammar. *Other Sources:* 1Qap Gen XXII, 18; LXX; *b.Ned.* 32b; *b.Sota* 5a; *Gen Rab.* 43.[83]

With no reference to proper names, it is unclear in Gen 14:20 whether Melchizedek gave a tenth to Abram or Abram gave it to him. Both texts make it clear that it is Abram who gives the tenth.

C. ELIMINATION OF DISSONANCE

1. Abraham is living with Sarah when she dies. *Texts: Jub.* 19:1–2; *Ant.* 1.236–37. *Technique:* Addition/deletion. *Nature of Affinity:* Removal of dissonance in Gen 22:19; 23:2.

The biblical narrative suggests that after the Aqeda, Abraham resided in Be'er Sheva and Sarai lived in Kiryath Arba where she died. In *Jubilees* a statement that the patriarch subsequently returned to Kiryath Arba "for two weeks of the year"

80 On *Jubilees* and Enoch traditions, see J. VanderKam, "Enoch Traditions in Jubilees and Other Second Century Sources" *SBLSP* (1978) 229–51 and D. Dimant, *The Fallen Angels in the Dead Sea Scrolls and in the Apocryphal and Pseudepigraphic Books Related to Them* (Jerusalem: Ph.D. diss., Hebrew Univ., 1974) (Heb.).

81 Noted in Feldman, *Josephus's Interpretation*, 167.

82 The passage is missing from the Ethiopic text. Placing it in brackets, VanderKam offers a reconstruction based on two manuscripts. On the gap in the Ethiopic text, see VanderKam's extensive comments (*The Book of Jubilees*, 2.81–82).

83 That Abraham gave the tithe to Melchizedek also appears in the Letter to the Hebrews 7:2, 4. Although scholars date this anonymous treatise to before 70 C.E., there is no evidence that Josephus was familiar with it.

eliminates the troubling implication of the separate residences. Josephus effects a comparable repair by omitting place names and stating that Abraham and Isaac "returned home to Sarra and lived in bliss . . . Not long after, Sarra died . . ."(*Ant.* 1.237). In contrast, *Targum Pseudo-Jonathan* and rabbinic midrash resolve the textual problem by having Sarah die before Abraham and Isaac return (*Tg. Ps.-J.* on Gen 23:2; *Gen Rab.* 58.5; *PRE* 32).

The exegesis is dual functioning in both our texts. The addition in *Jubilees* serves the marriage polemic; and Josephus's reworking closes the narrative in a "manner that would appeal to traditional folklore."[84]

2. A covenant component is added to the blessing Isaac bestows upon Jacob disguised as Esau. *Texts: Jub.* 26:22–24; *Ant.* 1.272–73. *Technique:* Addition. *Nature of Affinity:* Repair of discontinuity in Gen 27:27–29.

The blessing that Isaac, in anticipation of his own death (Gen 27:2–4), conveys upon Jacob disguised as Esau is devoid of any reference to the patriarchal covenant. Only when Isaac sends Jacob to Paddan-aram does he transmit the blessings of the patriarchal covenant (Gen 28:3–4).

Both texts introduce a covenant component to the first blessing. The author of *Jubilees* adds transmission of "all the blessings with which the Lord blessed me and blessed my father Abraham" to the initial blessing and repeats the explicit statement of the covenantal promises in the Genesis departure scene (*Jub.* 22:24). Josephus, who throughout his reworking of Genesis transforms the patriarchal covenant into assurances of "divine aid" and "a blissful life," inserts that understanding of the Abrahamic covenant into Isaac's blessing of Jacob disguised as Esau. ("Thou didst bestow upon my father great store of good things, and to me hast vouchsafed all that I possess, and to my descendants hast promised thy gracious aid and to grant them ever greater blessings; now therefore confirm these promises") (*Ant.* 1.272–73).

Affinities with other potential source(s) identified

3. Abraham does not acquire his wealth in Egypt "on account of Sarai." *Texts: Jub.* 13:14; *Ant.* 1.165; *War* 5.381. *Technique:* Rearrangement. *Nature of Affinity:* Deletion that omits dissonant element in biblical narrative. *Other Source:* 1Qap Gen xx, 31–34.

The narrative sequence of Gen 12:15–16 permits the assumption that Abram benefited materially from Sarai's captivity in Pharaoh's house. In *Jubilees, Antiquties, War,* and *Genesis Apocryphon*, the sequence is reordered such that acknowledgment of Abram's enrichment comes after God has punished Pharaoh. Consequently, the newly acquired wealth comes to be understood as a consquence of God's protection.

84 On *Jubilees*, see Halpern-Amaru, *Empowerment of Women*, 55; on *Antiquities*, see Schalit, *Antiquitates Judaicae*, 2:40 n. 5.

4. Adam's awareness of his solitude precedes the divine concern that precipitates the creation of woman.[85] *Texts: Jub.* 3:3–4; *Ant.* 1.34–35. *Technique:* Rearrangement and Addition. *Nature of Affinity:* Removal of dissonance. *Other Source(s): Gen. Rab.* 17.4 resolves the difficulty by stating Adam's awareness ("everyone has a partner, yet I have none") before "but for Adam there was not found . . ." Philo also demonstrates awareness of the problematic passage, but offers a totally different type of resolution (*QG* 1,1:28).

A literal understanding of the sequence of verses in Gen 2:18–20 suggests that God intends Adam to seek a partner among the animals that he is directed to name. Inverting the sequence, *Jubilees* makes Adam become aware of his solitude in the course of naming the animals and places God's statement acknowledging Adam's need for a partner after that subjective awareness. Paraphrasing the passage so that God's actions are in response to Adam's subjective desire which is awakened in the course of observing the animals, Josephus accomplishes the same end.

5. Adam and Eve had daughters.[86] *Texts: Jub.* 4:1 ff; *Ant.* 1.54. *Technique:* Addition. *Nature of Affinity:* Addition of element that eliminates logical dissonance. *Other Sources: L.A.B.* 1:1; *Tg. Ps.-J.* on Gen 4:2; *Gen. Rab.* 22:3, 7.

Jubilees identifies the sisters/wives of Cain and Seth by name and provides the names of the ancient mothers in his genealogies. Josephus, on the other hand, limits himself to stating that that Adam and Eve also had daughters.

D. REMOVAL OF LACUNAE

1. Abram offered a sacrifice on the altar(s) he constructed after he arrived in Canaan.[87] *Texts: Jub.* 13:4, 8–9; *Ant.* 1.157. *Technique:* Addition. *Nature of Affinity:* Addition in same context that fills a lacuna in the biblical narrative.

In Genesis Abram builds several altars as he moves about the land and, upon his return from the sojourn in Egypt, goes to where he had built one of the altars and "calls upon the name of the Lord" (Gen 12:7–8; 13:4). In none of these contexts is reference made to his offering a sacrifice.

Both texts add the sacrificial offering. *Jubilees* retains the separate occasions at Alon Moreh and at Bethel. Without referring to specific place names, Josephus treats the two episodes as one. In the targums, "call on the name of the Lord" (Gen 12:8; 13:4; 21:33; 26:25) is understood as "to pray in the name of the Lord." The author of *Jubilees* demonstrates that understanding with the altar-building at Bethel to which he adds both sacrifice and prayer (*Jub.* 13:9).

85 Noted in Kugel, *Tradtions of the Bible,* 113. Commenting on the rearrangement as a "novelty" in *Antiquities,* Franxman misses the parallel in *Jubilees* and ascribes it solely to Josephus (*Genesis,* 50).

86 Noted in Kugel, *Traditions of the Bible,* 148

87 Noted in Feldman, *Josephus's Interpretation,* 247.

2. The surrogacy of Hagar is connected to the promises at Mamre. *Texts: Jub.* 14:21; *Ant.* 1.186–87. *Technique:* Addition. *Nature of Affinity:* Addition that creates a narrative bridge.

The Genesis narrative moves from the divine encounter and promises at Mamre to Sarai's offer of Hagar as a surrogate with no connection between the two episodes. *Jubilees* creates a connection by closing the Mamre scene with "Abram was very happy and told all these things to his wife Sarai . . ." (*Jub.* 14:21). Josephus develops a connection by prefacing the surrogacy tale with a paraphrased repetition of a portion of the earlier scene at Mamre (Gen 15:2–5 // *Ant.* 1.183). Abram expresses distress over Sarai's sterility and appeals to God who commands Sarai to give Hagar to Abram (*Ant.* 1.186–87).

In both texts the additions not only bridge narratives, but also serve polemical and ideological interests. *Jubilees* uses the bridge to develop the relationship between Abram and Sarai; Josephus uses it to shift the initiative for the surrogacy from Sarai to God.

Affinities with other source(s) identified

3. An explanation is provided for why Jacob sends Joseph to search for his brothers. *Texts: Jub.* 34:10; *Ant.* 2.19. *Technique:* Addition / deletion. *Nature of Affinity:* Fills lacuna in Gen 37:12–13. *Other Source*: *Tg. Ps.-J.* on Gen 48:22 identifies Shechem and the Amorites and on Gen 27:13 relates Jacob's anxiety over the brothers to the killing of Hamor and the Shechemites.

No explanation is offered in the Genesis narrative for why Jacob sends Joseph to his brothers who were pasturing at Shechem. The author of *Jubilees* prefaces the narrative with a tale of an earlier conflict with seven Amorite kings at Shechem (see Gen 48:21), which subsequently accounts for Jacob's concern about the welfare of the brothers (*Jub.* 34:10). Josephus adopts the more radical approach of ignoring Gen 37:13 and making Jacob anxious because the brothers had finished their "harvest labours" and had taken themselves to Shechem without informing their father (*Ant.* 2:19).

The foregoing annotated list offers forty-eight[88] parallels between the exegesis in Josephus's *Antiquities* and that found in the *Book of Jubilees*. Thirty-two entail applied exegesis and sixteen involve pure exegesis, a ratio of two to one that is significantly higher than the proportion between pure and applied exegesis in the list of affinities noted in previous scholarship (sixteen to three, i.e., slightly more that five to one).[89]

88 Fifty-one biblical passages are involved, since item 1.B.9 groups together three different passages.

89 Neither quotient takes dual-functioning exegesis into account.

That seven of the sixteen instances of pure exegesis appear in a similar form in another source might be attributable to what Kugel has termed "an ancient Jewish *Glossa Ordinaria*," a pool of traditions or store of exegesis.[90] On the other hand, Josephus refers to the LXX and Philo by name.[91] Moreover, *Genesis Apocryphon, L.A.B.*, as well as certain targumic and midrashic traditions were possibly available to him in oral or written form.[92] Consequently, it is also conceivable that the influence is of a more direct nature.

More significant to the question of Josephus and the *Book of Jubilees* is the level of similarity in the examples of pure exegesis where no other source has been identified. Five out of nine such instances involve harmonization, perhaps the most intricate of the methodologies and certainly the one open to the most variants. One (II.A.1) involves an identical shift of sequence and a comparable addition; two others (II.A.2, II.A.3) place the addition of the corresponding material in the same context; and a fourth retains the same of three possible alternatives (II.A.4). In almost all these cases, another exegetical approach with different material would have affected a comparable harmonization. Adam could have informed the woman of the prohibition, as implied in *Gen. Rab.* 19.3; the initial directives Abraham gave to his servant could have been reworked without explicit reference to Rebekah's relationship to Nahor, as occurs in *Targum Pseudo-Jonathan*; and all the brothers could have discovered the money at the place of lodging, as they do in Philo (*Joseph* 180–81). Indeed, even the identification of Laban as "son of Nahor" in Gen 29:5 could simply have been omitted without the common addition of a pointed correction (II.A.5), albeit set in different contexts. None of these alternatives appears in *Antiquities*. Instead, in these particular passages, Josephus employs harmonizing resolutions that are close to those found

90 Kugel, *In Potiphar's House*, 266.

91 Josephus not only refers to the Septuagint, but also presents an extensive paraphrase of the *Letter of Aristeas* account of the circumstances of its composition (*Ant.* 1.10–12; 12.11–118). The reference to Philo appears in *Ant.* 18.259–60. On the extensive scholarly literature on Josephus's use of the LXX and of Philo's works, see Feldman, *Josephus's Interpretation*, 23–26, 30–36, 52–54, and accompanying bibliographical notes.

92 There is no direct evidence that Josephus was in fact familiar with these works, even in oral form. The argument for such is based on parallels and dates of composition. On those with *L.A.B.*, see L. Feldman, "Prolegomenon," in reprint of M.R. James, *The Biblical Antiquities of Philo* (1917; New York: Ktav, 1971) and A. Zeron, "Erwägungen zu Pseudo-Philos Quellen und Zeit," *JSJ* (1980) 38–52. On the nature and significance of parallels with traditions in the targums, see Thackeray, *Josephus, The Man and the Historian*, 81–82; Rappaport, *Agada und Exegese*, xx–xxiv; Schalit, *Antiquitates Judaicae*, 1:xxxi–xxxii; C.T. Begg, *Josephus' Account of the Early Divided Monarchy* (*AJ* 8, 212–420): *Rewriting the Bible* (Leuven: Peeters, 1993) 275–76; and the discussion in Feldman, *Josephus' Interpretation*, 17, 27–30. On the debate over Josephus's use of oral or written sources for the midrashic tradition, see Schalit, *Antiquitates Judaicae*, 1:xxxix–xli, Rappaport, *Agada und Exegese*, xv; and Feldman, *Josephus's Interpretation*, 65ff.

in the *Book of Jubilees*. At the very least, the similarities raise the possibility that he was familiar with the exegesis in the earlier work and, in certain instances, adopted (and adapted to his own style) its resolution of a textual problem.

Of the thirty-two affinities reflecting the applied type of exegesis, ten have been identified in another source potentially available to Josephus. Three of the other twenty-two are compromised by the possibility that they reflect either common knowledge (I.A.9, I.A.10) or an exegetical strategy rooted in recognition of common letters in two proper names (I.A.8). Hence, this discussion will consider only the evidence of the remaining nineteen.

In twelve instances they involve exegesis that alters the perspective or characterization in the biblical narrative. These modifications are motivated not by dissonance within the text, but rather by the ideological, apologetic and/or polemical stance of the exegete. It is abundantly clear that Josephus and the author of *Jubilees* did not share a comprehensive common agenda. Be it in the dramatic elevation of Levi, the calendrical system, or in any number of halachic principles that are inserted into the narrative, the polemics of *Jubilees* would be unattractive and unacceptable to Josephus. However, the same might also be said of the significance Philo attributes to allegory,[93] of the predestination theology incorporated into the *L.A.B.* reworking of biblical narrative, of Plato's conceptual construct of the nature of reality, and certainly, of the pagan views of the Greek and Oriental writers whom Josephus cites and only occasionally criticizes.[94] If Josephus used or drew from *Jubilees* or, for that matter, from the works of others, he necessarily would have employed an assertive degree of selectivity. In other words, for an exegete to selectively adopt exegetical strategies from a particular work does not require that there be agreement with the thrust of that work or with the ideological stance of its author.[95] Thus, it is quite conceivable that, aware of an exegetical strategy in *Jubilees* that would appropriately serve his agenda, Josephus might imitate and adapt that strategy to his own needs regardless of how the particular strategy had previously served the polemic within *Jubilees*.

A number of the parallels in exegesis that modify perspective and/or characterization exemplify how a particular exegetical strategy might be used to support very different, if not diametrically opposed, agendas. The deletion of barrenness as a core characteristic of a matriarch (II.B.9) functions in *Jubilees* to elevate the

93 On the difference between Philo's use of allegory and Josephus's symbolic interpretation of the Tabernacle (*Ant.* 3.181ff.), see Carl R. Holladay, *Theios Aner in Hellenistic Judaism: A Critique of the Use of This Category in New Testament Christology* (Missoula, Montana: Scholars Press, 1977) 83–86 n. 262.

94 See Feldman, *Josephus's Interpretation*, 18–21.

95 The principle I assert here is one that Feldman does not embrace. It is precisely on such a basis that on a number of occasions he excludes the direct influence of a work, and instead argues for a common set of traditions (*Josephus's Interpretation*, 22 [Pseudo-Eupolemus]; 51 [Hellenistic Jewish writers]; 54 [Philo]; 70 n. 91 [*L.A.B.*]).

roles of the matriarchs in their marriage relationships, whereas in *Antiquities* the identical strategy is employed to diminish the prominence of women in the narrative. Along the same lines, the addition of a new nature for humans after the Flood (I.B.1) which provides an invitation for addition of an excursus on future divine justice in *Jubilees* functions simply as a device for developing narrative flow in *Antiquities*. Similarly, whereas deletion of the dramatic scene of the expulsion from Eden (I.B.11) permits in *Jubilees* the earlier asserted association of the Garden with the Temple site, for Josephus the same technique advances an acceptable, more historical presentation. Perhaps most striking, the structure that *Jubilees* adopts to affirm God's direct role in the creation of everything (including the dry land) grounds a totally different perspective when it is employed in *Antiquities* (I.B.12).

On the other hand, some of the affinities reflect perspectives which Josephus and the author of *Jubilees*, for all their differences, do share. A common aversion to intermarriage invites refocus of the Dinah narrative which occasions a passionate diatribe against union with foreigners in *Jubilees* and, reflecting the apologetic nature of its agenda, a more guarded statement of opposition in *Antiquities* (I.B.2). Concern with appropriate marriage unions is also evident in the common stress on paternal as well as maternal kinship ties between Jacob and Laban (I.B.4), on the sincerity of Rebekah's concern with Jacob's choice of a bride (I.B.5), on the resolve with which Jacob undertakes that endeavor (I.B.3), and the common repair of Jacob's relationship with Leah (I.B.6). Comparably, the restructuring of the final blessings Jacob bestows upon his sons, the reworking of the description of his burial (I.B.7, I.B.8), and the removal of Jacob's gift of a coat to Joseph (I.B.10) reflect a common interest in enhancing the portrayal of the patriarch.

Several of these strategies involve omission, a technique to which less weight is assigned in the list of affinities. But an addition placed into the same context, a higher ranked affinity, also appears among the examples of parallel exegetical modifications of characterizations (I.B.1). Particularly notable, though less precise in placement and level of specificity, are the similarity of phrasing in their presentations of Jacob's resolve to marry a daughter of Laban (I.B.3) and the common structure of the summaries of Jacob's final blessings (I.B.7). The most striking levels of affinity, however, appear in the enhancements of biblical narrative. Within the parallels under discussion in that classification, we find insertions of identical or analogous material into the same biblical context (I.A.1, I.A.2, I.A.3); an idiosyncratic displacement of a passage from Numbers (I.A.4); and parallel restructuring of a major bloc of supplementary additions to the biblical account (I.A.6).

The quantity and quality of the collection of affinities between *Antiquities* and the *Book of Jubilees* suggest a literary relationship between the two texts. The

precise character of that relationship is not clear. In the absence of an explicit reference to *Jubilees* in Josephus's corpus, accounting for the affinities necessarily involves reasonable conjecture.[96] One possibility is that the instances of similar exegesis exclusive to Josephus and *Jubilees* reflect the influence of an intervening source or sources no longer extant. Given the number and variety of those affinities, the thrust of this explanation would rest substantially on the vicissitudes of historical preservation. Alternatively, the multiple affinities could be ascribed to a common pool or store of traditions that had accumulated over the centuries. Such ascription would have Josephus turning to that pool and selecting strategies in no fewer than twenty-eight, and possibly more, instances that, by pure happenstance, were markedly similar to those found in *Jubilees*. A more plausible conjecture might attribute the apparent affinities both to the influence of works no longer extant as well as to an accumulated pool of traditions. However, the simplest, and by Ockham's razor the most credible, explanation for the affinities is that Josephus, like his contemporaries, the sectarians at Qumran, was familiar with the *Book of Jubilees*.

96 ". . . which text may or may not have been known to which authors . . . can sometimes be determined with certainty, and even when they cannot, an educated guess can sometimes be offered" (Kugel, *Traditions of the Bible*, 37).

The Contrastive Term "אתון מתניתו . . . אנן מתנינן . . ." in the Babylonian Talmud and Its Historical Significance

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Talmudic terminology is the literary key to understanding the detailed progression of the *sugyah* – beginning a new topic, question and answer, proof and refutation, and so on. It may also have its uses in making various inferences concerning the history and chronology of the Babylonian academies and their scholars, to a far greater degree than has been done hitherto in the scholarly literature and in the literature of talmudic rules and methodology. This article will focus on one term that will illustrate this point. I shall argue that the contrastive formula אתון מתניתו . . . אנן מתנינן and similar formulas reflect differing traditions of two academies – not necessarily major academies – in talmudic Babylonia. In its second part, the present study demonstrates several implications of this finding in various areas of the history and chronology of the Babylonian academies and their sages.

The term . . . אנן . . . אתון (you . . . , we . . .) appears in the Babylonian Talmud at the end of a dialogue between *amoraim*, generally as an *amora*'s reaction to a colleague's question or objection (there are twenty-four such occurrences). The most common word combination with this term is: אתון הכי מתניתול ה . . . אנן . . . מתנינן לה "You learn (the tradition in question) in this way, (but) we learn it (in that way, i.e., otherwise)." Can we attach any significance to the fact that the *amora* responds not in the singular (את – אנא) but in the plural (אתון – אנן), although he is conducting a dialogue with only one *amora*? This point will be discussed in what follows.

We begin with a typical example of the use of the term, from which we shall proceed to draw more general conclusions:

> R.Zera said in R.Ḥiyya b. Ashi's name in *Rav*'s name: A man may squeeze a bunch of grapes [on the Sabbath] . . . *R.Dimi* sat and stated this ruling. Said *Abaye* to R.Dimi: *You* (אתון) learn it in Rav's name, hence it presents no difficulty to you; [but] *we* (אנן) learn it in Samuel's name, so it presents a difficulty to us. Did Samuel [really] say [it], . . . ?! By God! replied [R.Dimi] . . .

I heard it from *R. Jeremiah's* mouth, and R. Jeremiah from *R. Zera*, and R. Zera from R. Ḥiyya b. Ashi, and *R. Ḥiyya b. Ashi* from *Rav* (*b. Šabb.* 145a).

This passage describes an occasion in which 'R. Dimi sat' and cited a halakhic tradition. Abaye, who was present, reacted with the words אנן – אתון, "You (pl.) . . . , [but] we. . . ."[1] Is the use of the plural ('we' rather than 'I') merely an expression of modesty? Why did Abaye not use the singular, as is often done in the Talmud under similar circumstances: "מר [you, polite address] learn it . . ." (see below)?

1 The verb מתני/ו occurring here together with אנן – אתון has been understood, correctly, as a literary term (that is, a formal term through which the progression of the *sugyah* may be identified – new topic, question and answer, proof and refutation, etc.) and has been discussed as such in the literature. We, however, are concerned with its historical meaning. On the literary meaning and use of the term מתני/ו see D. Goodblatt, "Local Traditions in the Babylonian Talmud," *HUCA* 48 (1977) 210–11, n. 50–51. In addition see E. E. Urbach, *Ha-Halakhah – Meqoroteha ve-Hitpattehutah* (Giv'atayim: Yad La-Talmud, 1984) 217–18, and bibliographical refs. on p. 320. Various parallels to the term under discussion will be considered below. (Throughout this article, the Soncino translation of the Talmud will be used, with slight changes when necessary.)

The event described in the above passage pertains to a subject whose importance has yet to be recognized by talmudic-historical scholarship: the question of the existence, nature and significance of local academies, that is, non-central ones, throughout talmudic Babylonia (on the academies in Babylonia see below, n. 6; see also below at nn. 53 and 58). The description "R. Dimi sat and stated this ruling," this having occurred in the presence of Abaye, who also reacts to R. Dimi's statement, implies that the event took place in some learning framework ("sat and stated . . ."). Such descriptions are common in the Talmud with reference to other *amoraim* as well. Since R. Dimi, like other sages mentioned in similar circumstances, is not listed in geonic chronicles as the head of a central academy, it may be presumed that his being seated took place at some local academy, in the vicinity of his home.

Another possibility is that Abaye offered his guest, who was older than he, his senior position at the debate, when he came to Pumbedita. However, there is no evidence in the Talmud of such a situation, although it was quite common for scholars to visit places other than their permanent location; compare, for example, the numerous reports that "R. so-and-so happened to come (איקלע) to some place or another"; see A. Cohen, "On the Historical Meaning Implicit in the Term 'איקלע רב פלוני'" (Heb.), *Sidra* 15 (in press). A somewhat similar situation is indeed represented by the expression ב אדבריה רב א לרב, according to which Rav A, a more authoritative scholar than Rav B, gives the other scholar permission to deliver a public discourse in his presence. On the meaning of the word אדבריה, see the explanations of the Geonim and R. Hananel ad *b. Beṣah* 21b, 29a; see also M. Beer, *Rashut ha-Golah be-Bavel bi-Ymei ha-Mishnah veha-Talmud* (Tel-Aviv: Dvir Publishing House, 1976 2d edition) 135–36. However, this cannot be the case with regard to Abaye and R. Dimi, for three reasons: 1. The אדבריה relationship does not apply to a study situation but rather to public discourse. 2. In such cases the Talmud explicitly states that Rav A permitted Rav B to speak. 3. Such permission is always granted by the more authoritative of the two scholars, most probably by the older one; e.g., Rav Judah grants permission to his son – *b. Taʿan.* 13b; Rav grants permission to the younger Samuel – *b. B. Qam.* 80b; see A. Cohen, "Was Age the Decisive Criterion of Subordination among the Amoraim?" *JQR*: 92 (2002) 290–91. Abaye, however, was younger than R. Dimi and subordinate to him.

As one of the *amoraim* known as נחותי "those who used to go down," i.e., from Palestine to Babylonia,[2] R. Dimi brought many traditions from Palestine to Babylonia, described by the Talmud in dozens of cases in the words, כי אתא רב דימי, אמר . . . "When R. Dimi *came* [from Palestine], he said. . . ." There were other cases besides that described in the above passage — "I heard it from R. Jeremiah's mouth" — in which R. Dimi received traditions from R. Jeremiah.[3] Although there is no trace in the Jerusalem Talmud of the ruling discussed here, it may be supposed that R. Dimi received the tradition from R. Jeremiah while in Palestine, as we find elsewhere: "When R. Dimi סלק (*went up* [from Babylon to Palestine]),[4] he found R. Jeremiah sitting and lecturing in the name of R. Joshua b. Levi . . ." (*b. Tem.* 14a).

Abaye may be found in R. Dimi's company, as he is in this case, in dozens of other talmudic *sugyot*, debating with him, asking him questions and presenting him with difficulties.[5] As he lived and taught in Pumbedita, where he headed the academy,[6] we may assume that while R. Dimi was staying in Babylonia he lived somewhere near Pumbedita,[7] so that he could be in constant contact with Abaye.

2 See B. M. Lewin, ed., *Iggeret Rav Sherira Gaon* (repr.: Jerusalem: Maqor, 1972) 61.

3 See *b. Yoma* 63a; *b. Pesaḥ.* 60b.

4 Elsewhere we find: "When R. Dimi came [כי אתא] he said in the name of R. Joḥanan . . . . When R. Dimi went up [כי סלק] to Nehardea, he sent them . . ." (*b. Šabb.* 63b). A. Hyman (*Toledot Tanna'im ve-Amora'im* [London: Ha-Express, 1910] 328) explains the phrase on the basis of R. Hananel's comment on *b. Taʿanit* 10a: "Nehardea is Samuel's place, and it is high . . . while Sura is Rav's place, and it is the lower in comparison with Nehardea."

5 See Ḥ. Albeck, *Mavo la-Talmudim* (Tel-Aviv: Dvir Publishing House, 1969) 359–61.

6 See Lewin, *Iggeret Rav Sherira Gaon*, 87–88. Abaye is also listed in K. Kahana, ed., *Seder Tanna'im ve-Amora'im* (Frankfurt a/M: Ḥermon Publishing House, 1935) 5, as one of the *amoraim* known from *Iggeret Rav Sherira* to have headed the Pumbedita academy; were it not for his inclusion in that list, plus the information from the *Iggeret*, we could not deduce from *Seder Tanna'im ve-Amora'im* where he served as principal of the academy.

We prefer to use the traditional, and indeed more widely accepted, term "academy"; the scholarly debate regarding the existence of "academies" in talmudic Babylonia has no effect on our conclusion in this article. Specifically, David Goodblatt has argued that the Babylonian "*yeshiva*" in the talmudic period was not an institutionalized academy (as held by Gafni), but a circle of disciples surrounding a single master. For a concise presentation of the relevant views and arguments, see D. Goodblatt, "New Developments in the Study of the Babylonian Yeshivot" (Heb.), *Zion* 46 (1981) 14–38; I. Gafni, "Concerning D. Goodblatt's Article" (Heb.), *Zion* 46 (1981) 52–56; R. Kalmin, "Friends and Colleagues or Barely Acquainted? Relations Between Fourth Generation Masters in the Babylonian Talmud," *HUCA* 61 (1990) 125–58. In this context, Goodblatt's explanation of the phrase בי מדרשא has recently been questioned; see B. Cohen, "Rami bar Ḥama — His Analytical Methodology and Rava's Critique Thereof" (Heb.) (M.A. Thesis; Ramat-Gan: Bar-Ilan Univ., 2000) 109–20.

7 R. Joseph, principal of the Pumbedita academy in the third generation, is also frequently found reacting to R. Dimi's traditions (see Hyman, *Toledot Tanna'im ve-Amora'im*, 328), but the contact was not face to face. This is probably also the case in *b. Šabb.* 63a and *b. Yoma* 34b (see Hyman, 328). Compare Hyman's comments, 330. Albeck (*Mavo la-Talmudim*, 361) was inclined to accept

The ruling discussed in the dialogue between Abaye and R. Dimi is also cited just before our passage (144b), in exactly the same wording, the only difference being the names of the transmitters: "*Rav Judah* said in *Samuel's name*: One may squeeze out a cluster of grapes into a pot . . ." Abaye's response to R. Dimi should therefore be understood as stressing two points: 1. We learn this ruling "*in Samuel's name*," not in Rav's name; 2. in our tradition this ruling is *from Pumbedita*, not from *Sura*. The second point, based on the word אנן, "we," follows from the fact that Samuel's ruling was cited by his disciple *Rav Judah*, of the same academy as Abaye, who also headed the Pumbedita academy about two generations before Abaye.[8]

This understanding of the text may indeed be confirmed by examining the occurrences of אתון מתניתו . . . אנן מתנינן in the Babylonian Talmud. Our examples will indicate that this phrase is used to express a difference of opinion between the academies (or schools of thought) of the parties to the dialogue; it means: You (pl.), in your academy, learn this tradition thus; but we, in our academy, learn it otherwise or with reference to a different matter. The parties are not representing themselves here, but the academy or school of thought to which they belong (and which they tend to support).[9] In our case, Abaye represents the *Pumbedita* tradition (Rav Judah), and R. Dimi (who, as noted above, was one of the נחותי), that of *Sura* (Rav), which he most probably received in Palestine. Indeed, there are cases where אתון is opposed to אנא (singular, rather than to אנן in the plural), in which the text reflects neither different traditions nor conflicts between academies or schools.[10]

Thus we see that the contrastive phrasing in the above passage, concerning

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the reading of *Diqduqei Soferim* in *b.Zebaḥ.* 74b, according to which the person who questioned R. Dimi there was R. Naḥman son of *R. Isaac* (Pumbedita, fourth generation), not the *amora* referred to as R. Naḥman without patronymic (Nehardea and Meḥoza, third generation) as in the printed editions. However, it is the latter that we find in dialogue with R. Dimi in *b.Ḥul.* 12a and 112a (confirmed by *Diqduqei Soferim* in both cases), in perfect agreement with R. Dimi's "going up" to Nehardea (above, n. 4).

8 See Lewin, *Iggeret Rav Sherira Gaon*, 85; and see also 84, 87. As for the question whether the texts refer to "local academy" or to "master circle," see below, n. 59.

9 On the tendency of *amoraim* to support the ruling of the school to which they themselves belong see A. Cohen, "On the Distribution of Halakhic Tendencies of the Amoraim according to Schools (the *sugyah* 'עביד איניש דינא לנפשיה')" (Heb.), *Asufot* 8 (1994) 107–29. Similarly, see 122, n. 84, for the views of the different schools in *sugyat* זה נהנה וזה לא חסר.

10 For example: "They asked him, 'Has he gone to his eternal rest?' — He replied, '*You* said it; *I* did not say it'" (*b.Ketub.* 104a); "The Rabbis protested to Rava: You enjoy usury. . . . He retorted: It is *you* who act contrary to the law . . . Whereas *I* wait . . ." (*b.B.Meṣiʿa* 73a); "R. Papa demurred 'The surgeon'! he can say to them, '*I* have performed half of the precept: do *you* perform half of the precept'" (*b.Šabb.* 133b); "Rava told the people of Maḥoza [his hometown!]: *You*, who do not follow the bier . . .' (*b.Moʿed Qat.* 22a; in the last case there is no opposing clause with אנן, "we"). See also below, n. 15.

the attribution of the ruling to Rav or to Rav Judah in Samuel's name, is simply a linguistic parallel to the standard formula that the Talmud uses to contrast traditions from different places or academies: בסורא מתנו הכי, בפומבדיתא מתנו הכי "So *they teach in Sura*, (but) *in Pumbedita they teach* so. . . ."[11] Since the passage discussed above involves R. Dimi, who was informed of the ruling by R. Jeremiah, a Palestinian tradition was introduced into the conflict between the traditions of Sura and Pumbedita.

Here are some contrasted traditions, Babylonia vs. Palestine, expressed through use of the term אתון (with or without מתניתו):

1. Rabbi Abba, most probably a *Palestinian amora*,[12] conveys Palestinian sayings and traditions to Rav Ashi ("In the West [במערבא] they say . . ," "In the West they recite the benediction . . ."),[13] using this formula several times.[14]

2. Abaye says to R. Safra: "When you go up *there* [to Palestine], inquire of them: How do you [אתון] deal with the liver?" (*b.Ḥul.* 110b).

3. "R. Naḥman said to Hanna b. Adda, Zion's messenger: 'When you go *there*, . . . go . . . and visit R. Jacob b. Idi and ask him: "What do you [אתון] say with respect to a palanquin?"'" (*b.Beṣah.* 25b).[15]

However, dialogues involving the contrastive terms אנן – אתון take place in the Talmud not only between Babylonian and Palestinian traditions, but mainly among the Babylonian *amoraim* themselves. The evidence implies that the scholars concerned come from different academies. The phrase is used particularly frequently among sixth-generation *amoraim*:

1. Rav Ashi, principal of the *Mata Mehasya* academy,[16] asks Rav Aḥa son of

11 For bibliographical references to this term, see above, n. 1. Possibly, there may be other expressions (without the root תנ"י) that also indicate different schools of thought. For example: R. Papi questions R. Papa and R. Ḥuna son of R. Joshua: "Could you not have *inferred* it (תסברוה) . . . ?" (*b.Ketub.* 60b); Ravina replies to R. Aḥa son of Rav: "We have not *heard* (שמיע) this [objection] of R. Ḥuna, son of R. Joshua; but you, who have *heard* it, must have regard to it'" (*b.Qidd.* 13a).

12 See Albeck, *Mavo la-Talmudim*, 424. Rabbi Abba's title *rabbi* also supports this statement; see Lewin, *Iggeret Rav Sherira Gaon* (the 2d Iggeret) 128.

13 See Albeck, *Mavo la-Talmudim*, and also the references and n. 429.

14 *b.Taʿan.* 4a; *b.Bek.* 55a. He also uses a similar formula: "We learn it in connection with [the following statement] of R. A" (*b.B.Bat.* 147a; 148a).

15 In addition, since "we" and "you" [pl.] represent opposition or confrontation, they are naturally used in the context of disputes between nations or religions, such as Sadducees and Pharisees (*b.Ber.* 10a), Jews and Persians (*b.Ber.* 58a). See also above, n. 10.

16 See *b.Šabb.*, 11a: "R. Ashi said: I achieved for *Mata Mehasya* that it was not destroyed"; see also *b.B.Bat.* 3b: "R. Ashi . . . , observing cracks in the synagogue of *Mata Mehasya*, had it pulled down. He then took his bed there and did not remove it until the very gutters [of the new building] had been completed." This is also stated explicitly in Lewin, *Iggeret Rav Sherira Gaon*, 90–91,

Rava, principal of the *Pumbedita* academy:[17] "Said R.Ashi to R.Aḥa the son of Rava: How then do *you* learn [מתניתו] Rava's question? — *We* [אנן] learn it in reference to change in respect of owner, he answered him . . ." (*b.Zebaḥ.* 9b).[18]

2. Rav Mordecai, who came from *Hagronia*,[19] addresses Rav Ashi several times with the words אתון הכי מתניתו לה, אנן הכי מתנינן לה (*b.Menaḥ.* 42b and elsewhere).[20] And conversely: Rav Ashi says so to R.Mordecai (*b.Ketub.* 87a).

3. R.Uqba of *Mesene* (Meshan) speaks in the same vein to R.Ashi: "R.Uqba of Mesene said to R.Ashi: You, who are near [אתון דמקרביתו] to Rav and Samuel, do act as Rav and Samuel; but we will act [אנן נעביד] according to R.Joḥanan" (*b.Šabb.* 37b).

93–94. For further talmudic references linking R.Ashi to Mata Mehasya and its residents, see B. Z. Eshel, *Yishuvei ha-Yehudim be-Bavel bi-Tequfat ha-Talmud* (a talmudic onomasticon) (Jerusalem: Magnes Press, 1979) 149.

17 See Lewin, *Iggeret Rav Sherira Gaon*, 90. See also Kahana, *Seder Tanna'im ve-Amora'im*, 5, and note our methodological comment above, n. 6.

18 R.Aḥa son of Rava had several disagreements with R.Ashi, which are understandable on the basis of their heading different academies which possessed diverging traditions. This is the case despite the fact that R.Aḥa was halakhically subordinate to R.Ashi (having addressed to the latter some 65 queries). See "R.Ashi learns [מתני] . . . R.Aḥa son of Rava learns . . ." (*b.ʿErub.* 90b; *b.Zebaḥ.* 11b). The same conclusion follows from *b.Šabb.* 4a, where first R.Ashi's ruling is given and then "R.Aḥa son of Rava learned [the same ruling] explicitly. . . ."

19 See Hyman, *Toledot Tanna'im ve-Amora'im*, 902–3. This location also follows from the text in *b.Soṭah.* 46b: "R.Mordecai accompanied R.Ashi from Hagronia to Be-Kafi . . ." In addition, R.Mordecai is reported several times as having said to R.Ashi: "Thus did Avimi of Hagronia say in Rava's name . . ." (*b.Ketub.* 109b; *b.B.Meṣiʿa.* 77b, 97a). See also the event reported in *b.Giṭ.* 59a (below, text at n. 52).

20 Similarly, with slight variations: *b.B.Qam.* 62b; *b.Bek.* 5a. See also *b.Šebu.* 37b, where he precedes Ravina and R.Ashi, quoting a similar ruling of R.Kahana. See also the report by R.Geviha of Be-Katil, from Pumbedita, to R.Ashi (*b.Ḥul.* 64b; *b.Meʿil.* 10a), about traditions attributed to Abaye, who was also from Pumbedita; the situation there is similar to that in our case.

In general, we may assume — since we have found no counterexamples — that a place name added to a scholar's name attests to his place of residence, not only his origin. Upon examining the exceptional cases, where a scholar has moved from one location to another, we find that 1. the move was made only for some important reason, such as the scholar's appointment as principal of a central academy; 2. the scholar made the move at a relatively advanced age. Rav Ḥisda, for example, lived in the town of Kafri, but served for the last twelve years of his life as principal of the Sura academy. We may therefore assume that R.Geviha of Be-Katil lived at that place until moving to Pumbedita to head the academy there in the last fourteen years of his life. Rav Dimi of Nehardea, similarly, was appointed principal of the Pumbedita academy seven years before his death. For further details see Cohen, "On the Historical Meaning" n.25; A.Cohen, *Ravina and Contemporary Sages — Studies in the Chronology of Late Babylonian Amoraim* (Heb.) (Ramat-Gan: Bar-Ilan Univ. Press, 2001) chap.5, sec. 4, "Distinguishing designations of scholars," :199–201 and 208. n.129.

4. Ze'iri of *Dihabat* uses the phrase in reporting to R. Ashi's colleague, Ravina of *Mata Mehasya*[21] (*b. Taʿan.* 7b – twice).

Similar phraseology is used occasionally in earlier generations, although to a lesser extent, as in the case of R. Zevid of *Nehardea* in conversation with R. Kahana of *Pum Nahara*[22] (*b. Yebam.* 18b); similarly: "R. Papa the son of R. Hanan of *Be Kelohit* heard this and went (from his hometown!)[23] to report it before R. Shimi b. Ashi. [The latter] said to him: 'אתון ... אנן ...'" (*b. Ketub.* 40b).

In view of the observation that whenever one scholar in dialogue with another uses the phrase אתון מתניתו ... אנן מתנינן ..., the two scholars turn out to be from *different* places – including places known as the locations of known academies – one must ask: could this be a mere accident? On the other hand, when the participants in a dialogue are *not* members of different academies (but master and disciple), they never employ the phrase אתון ... אנן ..., as will be shown presently – this circumstance, too, requires explanation. Moreover, if the phrase in question represented *individual* differences between two scholars, why is it consistently used in the plural, rather than the singular אנא ... את ..., as found when traditions are explicitly attributed in the Talmud to specific scholars: רב א מתני ... רב ב מתני ... (see below, at end of article). Finally, the phrase clearly expresses a contrast between *interpretive traditions* (מתניתו – מתנינן), which pertain not to individuals but to academies or schools of thought. This is clearly indicated by the well-known phrase cited above, בסורא מתנו ... בפומבדיתא מתנו ..., which is concerned with traditions of academies, schools, groups of scholars, but not of individual scholars.

As to our assertion that in dialogues between scholars from the same academy or school the wording is generally not אתון ... אנן ... here are five examples:

מר vs. אנן

1. "Said [R. Zera to R. Jeremiah]: You [מר] learn this in reference to the first clause:

21 One source, previously unnoticed by scholars, which confirms Ravina's residence in Mata Mehasya is *b.B.Meṣiʿa* 75b, which implies that R. Ashi (who was indeed a resident of Mata Mehasya) and Ravina were able to dispatch emissaries to one another, twice in each direction, on the eve of the Sabbath. See also *b. Yoma* 86a and Rashi ad loc., s.v. "*u-mata mehasya*."

22 That R. Kahana lived in Pum Nahara is implied by several talmudic *sugyot*, such as *b.Ber.* 31a. See also Hyman, *Toledot Tanna'im ve-Amora'im*, 847; Albeck, *Mavo la-Talmudim*, 413. Albeck maintains that this was R. Kahana of the fifth generation, R. Ashi's master; but he claims that the R. Kahana of the sixth generation also lived at this place (see, 435). Concerning the increasing number of alternate traditions from the fifth generation onward see Urbach, *Ha-Halakhah*, 218 and notes.

23 On אזל רב פלוני אמרה קמיה דרב אלמוני (R. A went and reported it before R. B) as a formula specifically describing a resident of a certain place going elsewhere, see *b. Yebam.* 60a, 87a; *b. Ketub* 77a; *b. Ḥul.* 45b; etc.

hence it presents a difficulty to you; but *we* [אנן] learn it in reference to the second clause, and it presents no difficulty to us" (*b.Šabb.* 71a).

2. "Said R. Joseph to [R. Ḥana]: You [מר] learn it in reference to this, and so find Rabbi [R. Judah the Prince] self-contradictory; but *we* learn it in reference to R. Judah [b. Ilai's ruling], and find no difficulty" (*b.Šabb.* 97b).

אנן only

3. "[R. Zera] replied [R. Jeremiah]: *We* [אנן] have learnt it: Nor may one make tiles red-hot in order to roast on them" (*b.Beṣah* 34a).

4. "[Rabbah] replied to [Abaye]: *We* interpret the text in our Mishnah [to mean]: 'For there is no renunciation of them on the part of the owners'" (*b.B.Qam.* 114a).

5. "[R. Naḥman] replied to [Rava]: *We* explain this as being due to [the fact that the freedom] certificate is not complete" (*b.B.Bat.* 150b).

It should be noted that R. Zera, in his retort to R. Jeremiah (source no. 1), uses not the common formula ... אנן ... אתון but the *singular* in contrast to the plural: "You [מר] ... but we [אנן, that is, our academy][24] ..." The switch is no accident, for R. Jeremiah was a distinguished disciple of R. Zera and as such a member of his master's academy and school.[25] Hence the passage describes not a confrontation between two schools or traditions, but between the personal misunderstanding of the disciple, R. Jeremiah (מר) and its rectification by R. Zera, who presents his academy's tradition, including his disciple as well through his use of the plural (אנן).

A similar explanation may be offered for R. Joseph's wording in source 2. Previously (*b.Šabb.* 97a), we learn that "R. Ḥana sat [studying] and this presented a difficulty to him," referring to Samuel's ruling according to the *Pumbedita* tradition: "[R. Ḥana said][26] in Rav Judah's name in Samuel's name. ..." R. Joseph could not have told R. Ḥana "*You* (אתון, plural) learn it ...," for he himself (R. Joseph) was also a disciple of Rav Judah,[27] and both headed the Pumbedita

24 Here is further proof that if A addressed B as מר, he was not necessarily B's pupil, nor even younger than B, for in this passage the master (R. Zera) addresses his own disciple(!) as מר. Compare Tosafot ad Ar. 5a, s.v. "*Ve-ha mar*"; see also Hyman, *Toledot Tanna'im ve-Amora'im*, 1031. For a lengthy discussion of this question see Cohen, *Ravina and Contemporary Sages*, appendix to chap. 8 (Heb.).

25 See references cited above, n. 9.

26 These words should probably be omitted, as they do not occur in the parallel text *b.Šabb.* 4b (end); see *Diqduqei Soferim* ad loc. This emendation is supported by the fact that otherwise R. Ḥana would be referring in the sequel ("R. Ḥana sat [studying] and this presented a difficulty to him") to a literary *memra* (מימרא) of his own, already cited in the name of R. Judah in the name of Rav, and already reported in his name in the Talmud. For the time such *memrot* were formulated see Cohen, "Distribution of Halakhic Tendencies," appendix B, 127.

27 See mainly Hyman, *Toledot Tanna'im ve-Amora'im*, 548, 743, and talmudic sources cited there.

academy.[28] Thus, R. Joseph's correction referred to R. Ḥana's *personal* assumption: "You, sir (מר), think that Samuel's pronouncement refers to the *baraita*'s statement (*b. Šabb.* 97a end) that 'Rabbi [R. Judah the Prince] holds one liable . . . ,' but 'we [Rabbah and R. Joseph, of Pumbedita][29] learn' that it refers to the other *baraita*'s statement that 'R. Judah [b. Ilai] holds one liable. . . .'"

In the other three cases (sources 3–5), the Rabbis do not say "You (אתון, plural) learn . . . ," because they were addressing their own *disciples*: R. Zera with R. Jeremiah, Rabbah with Abaye, R. Naḥman with Rava. It was sufficient, therefore, to correct the disciple's error by pointing out how "*we* [אנן] learn/interpret it . . . ," that is, in our academy; each meant the plural "we" to include master and pupil.

In the remainder of this article, we will examine the conclusions and implications of our findings up to this point. Since the term in question indicates that the parties to the dialogue come from different places, it may be used both in a positive sense — to identify an *amora*'s origin, and in a negative sense — to prove that an *amora* was not resident in a given place; it may also be used to identify a hierarchic relationship between *amoraim*. In what follows we present a few examples, beginning with a case in which the criterion may be used to reject a certain scholarly convention.

THE HIERARCHICAL RELATIONSHIP BETWEEN RAVINA AND MEREMAR

Several times, talmudic sources report a debate between Meremar and another scholar, named "Ravina," both from Babylonia in the later talmudic period. Ravina conducts himself as subordinate to Meremar in matters of Halakhah. In five of the eleven cases reported, the account is worded as follows: "Meremar *sat and reported* (יתיב וקאמר) this ruling, [whereupon] Ravina raised an objection to Meremar [or asked him]. . . ."[30] The circumstances of these cases indicate that in all probability Ravina was "sitting before" Meremar and discussing the matter with him.[31] One has the distinct impression from the wording that Ravina, the student, is in debate with his master, raising objections to the latter's arguments,

28 See Lewin, *Iggeret Rav Sherira Gaon*, 84–87; Kahana, *Seder Tanna'im ve-Amora'im*, 5; and see also my comments above, n. 6.

29 From this point on, the text discusses the tradition as emended by R. Joseph. In the sequel, we read: "It was stated likewise, Rabbah and R. Joseph [both from *Pumbedita*] both maintain: *R. Judah* imposed liability only for one [sacrifice]." The late *amoraim* Ravina and R. Ashi (Mata Mehasya) also discussed this version (*b. Šabb.* 97b, further on). For a discussion of some aspects of the layers constituting this text see D. Halivni, *Meqorot u-Masorot. Tractate Shabbat* (Jerusalem: J.T.S. of America, 1982) 268–72.

30 The five cases are *b. Šabb.* 81b, 86b, 100a; *b. Beṣah* 20a; *b. B. Meṣi'a* 72b.

31 Albeck, *Mavo la-Talmudim*, 449.

whereupon the master counters those objections.[32] Now Ravina indeed addresses Meremar with halakhic questions on other occasions.[33] Scholars have concluded from his "sitting before" Meremar that he was the latter's disciple.[34] It has also been assumed that this Ravina is "the last Ravina,"[35] thus answering the question of the identity of "the last" Ravina's teacher.

However, I believe that in this case the term, אתון – אנן, may be used to refute the assumption that the person named Ravina was Meremar's disciple. First, the term that, in these cases, describes Ravina's presence at Meremar's lectures may be found in similar circumstances referring to other pairs of rabbis – one citing a ruling and the other contesting it – in cases where those two are known not to have been master and pupil. For example, we have the following report of Rav Dimi and Abaye: "*R.Dimi* [one of the נחותי!] *sat* and stated this ruling. *Said Abaye* to R.Dimi: '*You* . . . , but *we*. . . .'"[36]

Moreover, the possibility that Meremar and Ravina were master and pupil must be rejected on the basis of the wording of Ravina's answer to Meremar in *b.Beṣah* 20a:

32 This is the situation in three of the five cases listed in n. 30. In the fourth case (*b.Šabb.* 86b), Ravina asks Meremar to clarify his previous statement: "Do you say that it was given, or that it was fitting [that it should be given]?" In the fifth case, Ravina reported another tradition to Meremar: "אתון הכי מתניתו להּ, אנן . . ." (*b.Beṣah* 20a; this source will be discussed below).

Note that in all these cases Meremar is not stating a new ruling of his own, but only reporting rulings by earlier *amoraim*. Moreover, Meremar's answers to all three difficulties posed by Ravina are similar: he retorts that the "proof" (Ravina's question) is irrelevant to the ruling being discussed, pointing out a logical distinction between the two instances; twice, he uses the formula, "הכי השתא, התם . . . הכא . . ." ("How can one compare [the two cases]? There . . . , here . . .").

33 See *b.Šabb.* 129a; *b.Yoma* 81b; *b.Yebam.* 75b; *b.B.Meṣiʿa* 104b; *b.Bek.* 51a (*b.Šebu.* 4b; see below). Apart from these ten cases (here and above, n. 30), *Diqduqei Soferim* also implies that one should add *b.ʿArak.* 22a and *b.Šebu.* 4b (read "Meremar" for "Amemar" in the printed editions).

34 See Y. I. Halevi, *Dorot ha-Rishonim* (6 vols., repr.; Jerusalem: n.p., 1967) pt. 3, 6:67; Hyman, *Toledot Tanna'im ve-Amora'im*, 1092–93; Albeck, *Mavo la-Talmudim*, 448–50. Many other authors agree: Z. Ya'avetz, *Toledot Yisra'el* (14 vols., 3d ed.; Tel-Aviv: Aḥiever, 1935) 8:146–49; M. Margaliyot, *Encyclopedia le-Hakhmei ha-Talmud veha-Ge'onim* (Tel-Aviv: Yavne, 1995) 654, 789, etc. See, e.g., A.H. Weiss, *Dor Dor ve-Doreshav* (5 vols.; repr.: Jerusalem & Tel-Aviv: Ziv Publishing House, 1964) 3:188 (also p. 187, n. 9), who maintained that in a few cases (but only in those) the text was not referring to "the last" Ravina – but not for the reasons to be adduced below. For more details see Cohen, *Ravina and Contemporary Sages*, chap. 5.

35 See Halevi, *Dorot ha-Rishonim*, 65; Hyman, *Toledot Tanna'im ve-Amora'im*; Albeck, *Mavo la-Talmudim*; and many later scholars. This assumption, that the sage concerned is "the last Ravina," follows from another assumption – that the sixth-generation *amora* Ravina died before his colleague R. Ashi. However, this assumption is untenable: see A. Cohen, "Meremar and the 'Last' Ravina: A Reexamination of their Chronology" (Heb.), *Sinai* 114 (1994) 244; and in greater detail: Cohen, *Ravina and Contemporary Sages*, chap. 3.

36 *b.Šabb.* 144a (the *sugyah* is quoted above at the beginning of this article).

> Meremar was sitting and stated this ruling in his own name. Said Ravina to Meremar: *You* [אתון, pl.] are teaching this thus, [but] *we* teach it as a question directed by Resh Lakish to R. Joḥanan.

The opposition "you are teaching . . ." as against "we teach . . ." indicates, as we have seen, that Ravina did not consider himself a member of Meremar's academy. It is not probable that a disciple — whose learning is of course dependent on that of his master — would be so bold as to declare in his master's presence that he considered himself a member of a *different* academy or school.

It would seem that Meremar himself considered himself as belonging to a school other than that of Ravina, as we learn from his answer to a difficulty posed by Ravina elsewhere (*b.ʿArak.* 22a):

> Meremar collected the *ketubbah* of a divorced woman from the orphans' property. Said Ravina to Meremar:[37] But Rav Judah has said in the name of R. Assi: One must not distrain upon the property of orphans. . . . R. Joḥanan says: . . . [so as to save from further payment] on account of her alimony. . . . Meremar replied: [The reason for] that ruling of R. Joḥanan *we learn* [אנן מתנינן] to be "for favor's sake."

A similar mutual relationship — as between two *colleagues* — is manifested by another phenomenon, in which Ravina and Meremar report early traditions to one another,[38] just as Rav Ashi's colleagues, who were subordinate to him, did on many occasions.[39]

We may conclude, contrary to the accepted scholarly opinion, that the

37 This is the correct reading according to *Diqduqei Soferim*, contra the printed editions' "Amemar" (compare Hyman, *Toledot Tanna'im ve-Amora'im*, 229b). The correctness of this reading would seem to follow from the fact that the text has only just attributed a certain action to Meremar ("Meremar collected . . ."), whereupon Ravina questioned that action on the basis of a seeming contradiction. However, this argument, though cogent, is not a proof, for it is quite frequent in the literature of the last *amoraim* to find the greater authorities being questioned by their disciples and subordinate scholars about the opinions and actions of *others*, particularly about those of their *predecessors* (and in our case this could well have been Amemar). For example: In *b.B.Qam.* 105a R. Aḥa of Difti questions his master Ravina concerning a question of Rava.

38 Meremar several times informs Ravina: "Thus said your father (or also: Amemar) in the name of R. A" (*b.Ned.* 60b, 90a; *b.Git.* 19b [according to MSS; see M. S. Feldblum, *Diqduqei Soferim*; printed eds.: "Amemar told me: thus said Meremar"]). On the other hand, Ravina at times also reports a tradition to Meremar: "Thus said Mar Zutra in the name of R. Papa" (*b.T.Yom.* 75b).

39 Very frequently, they report various traditions to R. Ashi, with the words, "Thus said R. A . . . ," e.g.: *b.B.Qam.* 90a; *b.B.Meṣiʿa* 80b. On hierarchical relations among the *amoraim* see R. Kalmin, "Collegial Interaction in the Babylonian Talmud," *JQR* 82 (1992) 383–415. For a long list of rules governing such hierarchies see Cohen, *Ravina and Contemporary Sages*, appendix to chap. 2.

"Ravina" in Meremar's company was not his disciple but a colleague subordinate to him, most probably the well-known Ravina, R. Ashi's colleague and disciple (as Ravina refers to himself in *b.Eruvin* 63a; see also *b.Ned.* 8b).[40]

For further confirmation of this conclusion, let us analyze the geographical meaning of another term used by Ravina: "Ravina said: אנא איקלע[ית] לסורא קמיה דמרימר (I *happened to be in Sura* before Meremar. *b.Pesaḥ.* 117b). Ravina is stating here that he "*happened to be*" in Sura "*before* Meremar," that is, he was in Sura purely *by chance* and his learning before Meremar (a resident of Sura) was not a regular situation but incidental to his being there. Studies of this term[41] have shown that it cannot apply to the master-disciple relationship in the Talmud; for when a student is engaged in study and preparation, he and his master are *constantly, regularly* in each other's company. The Talmud always describes this relationship as one of *protracted,* not chance, proximity; the term usually used by the students to describe the situation retroactively is: "When *we were* at R. A's school [כי הוינן בי רב פלוני], he said to/asked us . . . ,"[42] that is, when we were in our master's company. This term is inconsistent with the *chance* visit of Ravina with Meremar.

The importance of the terminology in this *sugyah* may therefore be summarized as follows. Ravina refers to Meremar's academy at Sura as "you" (plural, אתון), and to his own (to all appearances, that of R. Ashi at Mata Mehasya) as "we" (אנן). This contrastive term, combined with findings regarding the term איקלע רב פלוני and other terms, implies several interdependent conclusions: First, the Ravina in Meremar's company was not his disciple. Second, Ravina was not a resident of Meremar's hometown of Sura; hence, as also follows from other indications, he is not the "last" Ravina but R. Ashi's colleague and disciple Ravina.

THE HIERARCHICAL RELATIONSHIP BETWEEN R. KAHANA AND R. ZEVID OF NEHARDEA

Eleven times in the Talmud, R. Kahana gives retroactive testimony phrased as follows: "Said R. Kahana: I reported the statement in the presence of R. Zevid of Nehardea [אמריתה לשמעתא קמיה דרב זביד מנהרדעא], and he said to me. . . ."[43] Similar wording is frequently (21 times) attributed to Rav Judah, when he is reporting to Samuel rulings that he had received from Rav and anticipating Samuel's reaction: "Said Rav Judah in the name of Rav . . . When I reported the

40 See Cohen, "Meremar and the 'Last' Ravina," 245, and at greater length in Cohen, *Ravina and Contemporary Sages*, chap. 5 (end).

41 See Cohen, "On the Historical Meaning," 51–64. Following are the conclusions of that study.

42 E.g.: *b.Ḥul.* 97b—R. Ashi with his teacher, R. Kahana; *b.Pesaḥ.* 30a—Rava with his teacher, R. Naḥman; and there are many more examples.

43 See *b.Yebam.* 18b, 48b; *b.Ketub.* 40a; *b.B.Qam.* 16a, 69a, 71b; *b.B.Bat.* 136a; *b.Sanh.* 69b; *b.ʿAbod. Zar.* 63b; *b.ʿArak.* 6a; *b.Tem.* 28a.

statement [לשמעתא] כי אמריתה in the presence of Samuel, he said to me. . . ."[44] Rav Judah was, as we know, Samuel's disciple.[45] R. Ashi, too, refers in similar terms to his master R. Kahana.[46] By analogy with these and other instances, one might be tempted to conclude — wrongly — that R. Kahana, who frequently stated "When I reported this in the presence of R. Zevid of Nehardea . . . ," was therefore a disciple of R. Zevid. However, R. Zevid's response to R. Kahana, "You (אתון, pl.) teach it thus, [but] we . . . teach it . . . ," indicates, as we have seen, that they were not members of the same academy, so that they were certainly not master and pupil.[47]

EXISTENCE OF IMPORTANT TORAH CENTERS IN R. ASHI'S TIME

Several times, in different areas of Halakhah, one finds R. Mordecai of *Hagronia*[48] telling R. Ashi that the tradition current in his hometown differs from that accepted at R. Ashi's central academy, that of Mata Mehasya:[49] "You (אתון, pl.) each it . . . , [but] we teach it. . . ." R. Ashi also speaks in the same vein to R. Mordecai. Let us quote the relevant passage, as it clarifies a further aspect of our subject (*b. Ketub.* 86b–87a):

> What is the nature of the oath [the exemption from which is discussed in the first clause of the Mishnah]? — *Rav Judah* replied *in the name of Rav*: . . . R. Naḥman replied in the name of Rabbah b. Abbuha: . . . *R. Mordecai went* to R. Ashi and *stated* to him this argument: One can well imagine . . . , according to him who holds that. . . . According to him, however, who holds that . . . , did she know . . . ? The other [R. Ashi] replied: *You* [אתון, pl.] taught this statement in connection with that clause; [but] *we* [אנן] teach it in connection with this one. . . . [As to the question,] what exactly was meant by "the past"? — *Rav Judah* stated *in the name of Rav*: . . . R. Mattanah, however, maintained that . . . for the Nehardeans laid down. . . .

44 As against Rav Judah's retroactive reports, in which he tells of his halakhic contacts with Samuel — probably after the latter's death — it is surprising that the Talmud provides almost no documentation of the debates they must have held during Samuel's lifetime. Moreover, we find no such reports of actual debate between R. Naḥman and Samuel, who was considered the former's master; on this basis, some scholars have concluded that they were not master and pupil (See Halevi, *Dorot ha-Rishonim*, 2:930). For a possible reason for this lack of documentation of these two pairs of *amoraim* in actual debate, see A. Cohen, "The Identification of Ravina, R. Ashi's Colleague" (Heb.), *Proceedings of the Eleventh World Congress of Jewish Studies*, 3 (Jerusalem: Magnes Press, 1994) 1:97–98.

45 See Lewin, *Iggeret Rav Sherira Gaon*, 82; Hyman, *Toledot Tanna'im ve-Amora'im*, 543–44; Albeck, *Mavo la-Talmudim*, 199–201.

46 See Hyman, *Toledot Tanna'im ve-Amora'im*, 847; Albeck, *Mavo la-Talmudim*, 413.

47 Compare Hyman, *Toledot Tanna'im ve-Amora'im*, 847.

48 See above, n. 19 and text.

49 See above, n. 16.

R. Mordecai had a tradition other than that of R. Ashi as to whether the opinion cited by Rav Judah in the name of Rav applied to the first clause of the Mishnah (note that the Nehardean school dispute this view both in the first clause and in the last). Moreover, the words "[R. Mordecai] *went* to . . . *and stated* . . ." are clearly speaking of a resident of one place going to the place and academy of another[50] and reporting his (different) tradition to the latter (in the present case he is also questioning the tradition and awaiting R. Ashi's response; the same is true in other similar passages). It follows that there must have been an important Torah center at Hagronia, R. Mordecai's hometown; it was probably headed by R. Mordecai and some of the traditions studied there differed from those of R. Ashi's academy. On this background, it seems, we may understand the sages consulting R. Mordecai on another occasion, after R. Ashi's death. When R. Yemar was officiating as principal of the Mata Mehasya academy[51] and a disagreement arose between him and Mar bar R. Ashi, the question was sent to R. Mordecai in Hagronia, who sent back R. Ashi's opinion as he remembered it.[52]

Elsewhere, we find the formula . . . אנן מתניתו . . . אתון מתנינן used by "R. Uqba *of Mesene*" in response to R. Ashi, of Mata Mehasya (*b. Šabb.* 37b), and by "Ze'iri of *Dihabat*" in response to Ravina, he too of Mata Mehasya.[53] Clearly, then, besides R. Ashi's central academy at Mata Mehasya — and the other major academies: at Sura (Meremar), Pumbedita (R. Aḥa son of Rava and others) and Nehardea (Amemar) — there were local academies, some of them important, which taught traditions other than those possessed by R. Ashi.

IDENTIFICATION OF A SAGE'S HOMETOWN

It is quite obvious that the contrastive term אתון – אנן may be used to eliminate the possibility that a given *amora* lived in a certain place. For example: 1. Since on several occasions Huna Mar, son of R. Neḥemiah, is reported as posing difficulties to R. Ashi and questioning him,[54] one might have thought him a resident of Mata Mehasya, where R. Ashi had his seat. However, his use of the formula אנן – אתון in reply to R. Ashi (*b. B. Meṣi'a* 47a, and see *Diqduqei Soferim*) belies this assumption. 2. R. Shimi son of Ashi's hometown is not known from

50 See above, n. 23.

51 See Kahana, *Seder Tanna'im ve-Amora'im*, 5; Lewin, *Iggeret Rav Sherira Gaon*, 94. Note that R. Abraham ibn Daud Halevi's *Sefer ha-Qabbalah*, ed. G. Cohen (Philadelphia: JPS, 1967) Heb. section, p. 27, erroneously reads "Meremar" instead of "Rav Yemar." On this error and its ramifications, and on the scholars who were thereby led astray, see Cohen, *Ravina and Contemporary Sages*, chap. 4.

52 *B. Giṭ.* 59a. For an analysis of this event see A. Cohen, "Mar bar Rav Ashi and His Literary Contribution" (Heb.) (diss.; Yeshiva Univ.: New York, 1980) 43–45.

53 On Ravina's locale see above, n. 21.

54 Examination of the mss. indicates that he debates invariably with R. Ashi (five times). See Albeck, *Mavo la-Talmudim*, 432–33.

the Talmud. As we find it reported of R. Papa son of R. Ḥanan of *Be Kelohit* that he "went and stated it before R. Shimi son of Ashi," and that the latter retorted "You learn (apply) it . . . , [but] we learn (apply) it . . ." (*b. Ketub.* 40b), we have two indications that R. Shimi himself was not from Be Kelohit (see also next section).

DIFFERING TRADITIONS IN THE NAME OF DIFFERENT SAGES

In addition to reports in the Talmud of different traditions reflecting different academies — בסורא מתנו ... בפומבדיתא מתנו ... or אתון מתניתו ... אנן מתנינן — there are twenty-six occasions[55] in the Babylonian Talmud in which different traditions are cited in the name of certain sages. Examples: "R. Ḥuna [Sura] learns [מתני] it . . . Rav Judah [Pumbedita] learns it . . ." (*b. Šabb.* 137a); "R. Papa [Naresh][56] learns it . . . R. Zevid [Pumbedita][57] learns it . . ." (*b. Šabb.* 66b). This would appear at first sight to be a linguistic parallel to the formulas considered previously, reflecting traditions originating in different academies. May we conclude, therefore, that any two *amoraim* in such a passage, in cases where the academic affiliation of one or both is not known, were necessarily members of different academies? For example: "R. Shimi son of Ashi learns . . . , [but] R. Ḥuna son of Nathan learns . . ." (*b. Zebaḥ.* 30a); R. Papa and R. Hinena son of R. Ika (*b. Nid.* 47b); R. Tavyomei and R. Kahana (*b. Zevaḥ.* 46b).

However, this conclusion involves certain difficulties. First, if traditions reported as "R. A learns [מתני] . . ." were indeed linguistically parallel to differences rendered as "In Sura they learn [מתני] . . . ," why should the Talmud have obscured the main point, that is, attributed the first traditions to an academy in a definite place? Why did the Talmud prefer such terminological inconsistency in expressing the same idea? Second, in two cases we find that the two disputants reporting their differences in this way [רב א מתני – רב ב מתני] — were in fact from the same academy: Rabbah and R. Kahana were both of Pumbedita (*b. Zebaḥ.* 25b); R. Ḥuna and R. Ḥisda were both of Sura (*b. Pesaḥ.* 85a).[58] It appears, therefore, that traditions presented in the name of an *amora* do not represent

55 Not counting parallels.

56 R. Papa was principal of the academy at Naresh; see Lewin, *Iggeret Rav Sherira Gaon*, 89. The same follows from the report in *b. B. Meṣi'a* 93b, and probably also from R. Papa's words in *b. Ḥul.* 127a.

57 Rav Zevid was one of the principals of this academy in the fifth generation; see Lewin, *Iggeret Rav Sherira Gaon*, 90.

58 One might indeed maintain — though I believe the argument to be forced — that the dispute between them took place before R. Ḥuna died, when R. Ḥisda was still in Kafri. This solution would bring us back to the thesis that "R. A learns / teaches" reflects the tradition of a certain Torah center, not necessarily a central one. The possibly novel element thus introduced would be a large number of Torah centers (or non-central academies) in Babylonia during the talmudic period, perhaps headed by those sages of whom the verb מתני is used: those listed above and many others, such as R. Mari (*b. Zebaḥ.* 85b). This topic is related to the question of non-central local academies in Babylonia which, as already mentioned, still awaits proper study (see above, n. 1).

different academies or schools of thought[59] – at least, not at the time the dispute took place; rather, they represent the personal views of two sages. It is not inconceivable that in time such disputes became indeed disputes between academies, for example, if the two sages involved were appointed to head different academies. We may conclude, then, that the Talmud has three ways of designating different traditions in regard to a given issue: 1. The editor(s) of the Talmud report(s) as a third party: בסורא מתנו . . . בפומבדיתא מתנו (In Sura they learn, [but] in Pumbedita they learn. . . .). 2. A face-to-face dialogue between two sages, who represent different academies, is quoted: אתון מתניתו . . . אנן מתנינן (You learn . . . , [but] we learn. . . .). 3. The different personal views of two *amoraim* are reported: רב א מתני . . . רב ב מתני (R.A learns. . . . , [but] R.B learns. . . .).

Having inferred the historical significance of the contrastive term אתון מתניתו . . . אנן מתנינן from the sources, we have cited examples of how this observation may be used as an auxiliary tool: 1. It may help to determine where the *amoraim* resided in Babylonia, thus adding an important detail to their biographies. 2. It may help to identify hierarchical relationships among *amoraim* and the nature of those relationships – an important factor in amoraic chronology and the order of amoraic generations in Babylonia. And, finally, 3. it may be possible to recognize hitherto unknown academies or Torah centers operating in the periphery, thereby contributing to the history of the Jews in talmudic Babylonia. All these data follow from the meaning of the term as we have determined.

59 Compare Goodblatt, "Local Traditions," 215–16. However, Goodblatt rightly argues that it is impossible to determine whether these formulas refer to "local academies" or to "master circles" in those towns; in this regard see also above, n. 6.

Disputation Terminology and Editorial Activity in the Academy of Rava Bar Yosef Bar Hama

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The role of Rava bar Yosef bar Hama of Mehoza in the editing of the Babylonian Talmud has long been a matter of rabbinic and academic dispute.[1] Although *Seder Tannaim V'Amoraim* is unequivocal in this regard, modern scholars have raised many doubts about Rava's editorial role. New evidence has connected Rava to the formulation and editing of the disputation *sugyot* of R.Yohanan and R.Laqish. This study expands that investigation significantly, examining over three hundred disputation *sugyot* formulated in the איתיביה פלוני לפלוני format. Quantitative and qualitative analysis of the data leads convincingly to the conclusion that this disputation terminology is the product of editorial activity in fourth and fifth-generation Mehoza, specifically stressing the transmission lines of R.Huna, Rabbah and R.Nahman bar Yaakov. The indicated explanation for this phenomenon is the network of transmission lines favored by Rava and his colleagues and students in Mehoza. The results of this research invite further analysis of other disputation terminology as a method for tracing the accumulation, formulation and editing of amoraic literature as a whole.

The editorial/redactorial history of the Babylonian Talmud has become a central issue in scientific rabbinics. In a previous study, I presented evidence from thirty-three disputation segments formulated as איתיביה פלוני לפלוני between

1 The first historiographic remark in this regard is to be found in the Seder *Tanaim V'Amoraim* (edited in the context of a dissertation by Kalman Kahan, Frankfurt, 1935, p. 31):

> „וכל קושיא שבכל תנויי דלא תמצא בה אביי ורבא (שמא) [שמע מינה] אביי ורבא תקנום . . ."
> ובכתבי יד: „כל קשיא שבתלמוד סתם אביי ורבא."

Pursuant to this note, and based on his own literary and historical analysis, Yitzhak Isaac Halevy built a unique thesis of the central role of Rava in the compilation and redaction of the *Bavli*. See דורות הראשונים (6 vols., repr. of 1901 original; Israel: n.p., n.d.) pt. 2, 5:480–99. Other scholars were equally as exercised in the appraisal of this proposal. For instance, see Julius Kaplan, *The Redaction of the Babylonian Talmud* (New York: Bloch Pub. Co., 1933) 19–25. Virtually all the classic researchers in Talmudics have dealt with the issue of redaction. For a summary of the justification for rejection of the common attribution of talmudic editing to R.Ashi, see Avraham Weiss, התהוות התלמוד בשלמותו (New York: מכון לזכרון אלכסנדר קהוט, 1953) 242–56. For examples of recent academic literature regarding the process of formulation and editing during the amoraic period, see A. Kusman, "ה,שיטה' כשיטה – היווצרותה ואופן התקבלותה בבתי המדרש – בארץ ישראל ובבבל" *Sidra* 7 (1991); Richard Lee Kalmin, *Sages, Stories, Authors and Editors in Rabbinic Babylonia*, BJS 300 (Atlanta, Georgia: Scholars Press, 1984) 169 ff.

R.Yohanan ben Nafha and R.Shimon ben Laqish which strongly suggests that they were edited in fourth and fifth-generation Mehoza.[2] The Mehozan editorial hand is evident, for example, in the telling fact that *memrot* of Rava and his students are disproportionately represented in these *sugyot*, either as presenters or respondents to the segments from the Land of Israel. Furthermore, a majority of these segments are masterfully melded to subsequent Babylonian (overwhelmingly Mehozan) disputation or discussion segments, adjusting the material from the Land of Israel just enough to enable it to serve as background and setting for the ensuing Babylonian material. These findings reflect on various issues related to the literary history of *memrot* in general, and *memrot* from the Land of Israel in the *Bavli* in particular.[3] However, the most dramatic implication arising from the R.Yohanan–R.Laqish segments relates to the editing process of amoraic sources in the *Bavli* as a whole.[4] Does this new evidence support the claim of significant overall editing of amoraic material on the part of Rava bar Yosef bar Hama and his pupils in fourth and fifth-generation Mehoza?

To resolve this issue, it is necessary to test the findings from my R.Yohanan–R.Laqish sample through examination of all איתיביה disputation sequences in the *Bavli*.[5] What is the frequency of this formulation among other *amoraim*? To what extent is this formulation unique to specific academies in Babylonia or Israel, and to what extent is it common to all schools? Do segments formulated in this specific terminology evidence a common formatting source and, particularly, that of Rava and his colleagues?

Research into איתיביה segments also points to new methodological horizons. Can disputation/editorial terminologies in the *Bavli* be useful indicators of editorial/redactorial activity? The present research into איתיביה segments will serve as a benchmark, to which studies of other disputation terminologies, such as מתיב, רמי, מתקיף לה, חד אמר וחד אמר, and their permutations, may be compared.

איתיביה segments are well known to the student of the Talmud. They appear after the presentation of an initial *memra*, or after an exchange of opinions, and

2 See Z. Dor, תורת ארץ ישראל בבבל (Tel Aviv: Dvir Publishing, 1971) and my article, "From Tiberias to Mehoza: Editorial Process in Amoraic Babylonia," June, 2000, in preparation for publication in JQR.

3 The importation of amoraic material from the Land of Israel into Babylonia, and its integration into the *Bavli*, provides a unique laboratory for the study of the general process of *memra* formulation and transmission, due to the cultural, linguistic and ideological dissonance between the source and the terminus of the material in question. Yet more, the difficulties in absorbing material from the Land of Israel into the corpus of amoraic traditions reflects on the sensitive issues of *memra* attribution and the existence of fictitious or pseudepigraphic *memrot*. See my article, mentioned in the previous note, and the sources quoted there regarding these issues.

4 In the above article, it is demonstrated that Dor's supposition about Rava's role in the redaction of R.Yohanan's *memrot* is substantially correct. This finding begs the question of Rava's role in the editing of amoraic material in general.

5 I will deal with מתיב and other samples in separate studies.

generally represent a challenge to an amoraic opinion on the basis of a tannaitic source. The איתיביה segment may be presented as a debate among the *memra* tradents (first example below) or as the query of a pupil to his master (second example below). Typical examples would be as follows (the איתיביה segments are italicized).

Among *amoraim* from the Land of Israel:

תלמוד בבלי מסכת יבמות דף ל״ה עמוד ב׳
איתמר: החולץ למעוברת והפילה – רבי יוחנן אמר: אינה צריכה חליצה מן האחין,
ר״ל אמר: צריכה חליצה מן האחין . . .
איתיביה ר׳ יוחנן לר״ל: אין הולד של קיימא –
הוא אסור בקרובותיה והיא אסורה בקרוביו, ופסלה מן הכהונה; . . .
איכא דאמרי, איתיביה ריש לקיש לר׳ יוחנן: אין הולד של קיימא –
הוא אסור בקרובותיה והיא אסורה בקרוביו, ופסלה מן הכהונה; . . .
איתיביה רבי יוחנן לר״ל: אין הולד של קיימא – יקיים; . . .
איכא דאמרי, איתיביה ר״ל לרבי יוחנן: אין הולד של קיימא – יקיים; . . .[6]

Among Babylonian *amoraim*:

תלמוד בבלי מסכת ביצה דף ל״ט עמוד א׳
אתמר: מילא ונתן לחבירו. רב נחמן אמר: כרגלי מי שנתמלאו לו,
רב ששת אמר: כרגלי הממלא . . .
איתיביה רבא לרב נחמן: הריני עליך חרם – המודר אסור, הרי אתה עלי חרם – הנודר אסור. הריני עליך ואתה עלי – שניהם אסורים זה בזה, ומותרין בשל עולי בבל לאסורין בשל אותה העיר. ואלו הן דברים של עולי בבל: הר הבית, תלשכות והעזרות, ובור של אמצע הדרך. ואלו הן של אותה העיר: הרחוב, ובית הכנסת, ובית המרחץ.

The question is, who formulated/edited/redacted the איתיביה segments in *sugyot* such as these?

The results of a survey of the איתיביה formulation throughout the Babylonian Talmud are collated in the tables: *amoraim* of the Land of Israel and איתיביה segments in Table 1, Babylonian *amoraim* and איתיביה segments in Table 2, and tabulated results in Table 3. The survey is organized according to those *amoraim* to whom איתיביה queries are addressed, not according to those posing the queries, since the assumption is that the formulation of איתיביה segments was intended to preserve traditions of the masters in either disciple circles or academy contexts.[7] A mapping of the selected prominent *amoraim* from

6 This example *sugyah* and the following one are brought in abbreviated format, without the *stama d'talmuda*, to demonstrate the format of the *sugyot* under discussion here, and not for analysis.

7 Modern scholars have debated the original context of the amoraic traditions: did they arise and do they reflect the personal environment of the master-disciple experience, or the formal records

Babylonia and the Land of Israel figuring prominently in this work, together with the transmission lines of the various academies, is presented before the tables for the convenience of the reader.

Two overall notes are relevant at the outset. First, the only segments in which the disputants exchange איתיביה queries are the numerous units of R.Yohanan–R.Laqish,[8] with two individual exceptions: one exchange between Rava and Abaye,[9] and one exchange between R.Ami and R.Yizhak Nafha![10] In all other disputation segments, the queries are unilateral. Second, it should be noted that the Babylonian איתיביה segments usually include a response of the queried master, but איתיביה material from the Land of Israel as formulated in the *Bavli* generally lacks a response to the איתיביה query.[11] Therefore, the Babylonian *stama* is very active in the provision of pseudepigraphic elements in these *sugyot*, such as explanation of the queries themselves, and supposed answers to the queries. In some cases, *amoraim* also become involved in completion of the source, or in provision of possible answers to the queries. This phenomenon may be connected to the transmission of the material from Israel or to the editing of the material in Babylonia.

Amoraim of the Land of Israel

Quantitative analysis of the data yields interesting observations. Among *amoraim* of the Land of Israel represented in the Babylonian Talmud, איתיביה segments posed to *amoraim* of the second generation are more than ten times more numerous than queries posed to *amoraim* of the first generation, and almost twice those posed to *amoraim* of the third generation. Obviously, this dominant second-generation datum is due to the unique sample of thirty-three selections of R.Yohanan–R.Laqish disputes. R.Yohanan appears in איתיביה segments with R.Laqish almost four times as often as with all other *amoraim* of the Land of Israel combined, although it is reasonable to assume that a significant number of other

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of the academic institution? David Goodblatt has taken the position that study was in the context of disciple circles, see his *Rabbinic Instruction in Sassanian Babylonia* (Leiden: E.J.Brill, 1975) 263–85. Yeshayahu Gafni has taken the position that study was chiefly organized by academy, not disciple circles — see his יהודי בבל בתקופת התלמוד (Jerusalem: מרכז זלמן שזר לתולדות ישראל, 1991)177–236. For our purposes, the debate is of limited relevance, since our concern here is not the original context of the *memra* or even of the original dialogue, but rather the later editing of the material in the איתיביה formulation. At the moment, whether Rava bar Yosef bar Hama et al were responsible for this formulation as part of their disciple circle, or as a publication of the Mehozan academy, is of little concern.

8 For a complete listing of these segments, see the data in Table 1 and the related notes below.

9 *b.B.Qam.* 56b–57a.

10 *b.Yoma* 49b–50a.

11 For example, see Rava's remark on behalf of R.Laqish in *b.Qidd.* 59b, in the context of R.Zevid's rendering of a dispute between R.Yohanan and R.Laqish.

disputation segments with others could have been preserved if the editors would have so wished. R. Laqish appears in איתיביה segments exclusively with R. Yohanan, as if he has no scholarly disputation existence outside this relationship![12] As the student of R. Yohanan, R. Laqish would certainly be expected to be the one asking the questions. Yet, in the Babylonian Talmud, there is strong evidence that he is represented artificially, as the one to whom unanswerable questions are incessantly posed. In some *sugyot*, the dialogue opens with a query of R. Yohanan to R. Laqish, in others, R. Yohanan responds to R. Laqish's query with one or more of his own. In a number of *sugyot*, one can even witness variant readings of the R. Yohanan–R. Laqish dialogue, which have been reworked in order to ensure that R. Yohanan strikes the decisive blow.[13]

The overall number and distribution of dialogue segments between all amoraic pairs from the Land of Israel presented in the *Bavli* further underscores the unique status of the R. Yohanan–R. Laqish selections. The dialogue material represented in the *Bavli* peaks in the second and third generations, while in the *Yerushalmi* itself, amoraic pairs of the Land of Israel continue to appear frequently in the fourth to fifth generations. It is possible that this anomaly reflects the decreasing transmission of later material from the Land of Israel to Babylonia![14] However, it is equally possible that the Babylonian Talmud is displaying material from the Land of Israel selected for the purpose of איתיביה formulation, specifically that of R. Yohanan and R. Laqish.[15]

The supposition that specific material from the Land of Israel was selected for the purpose of איתיביה formulation is strengthened by examination of other similar segments from the Land of Israel in the *Bavli*. When the unique R. Yohanan–R. Laqish sample is set aside, we are left with only nine segments from the second generation: eight segments posed to R. Yohanan and only one segment posed to another scholar by R. Yohanan himself. In the third generation, however, eleven of R. Yohanan's leading students are represented in twenty-five segments.[16] To appreciate the impact of this statistic, it should be kept in mind that R. Yohanan is

12 Note a similar phenomenon between Rava and R. Yosef, in which R. Yosef seems to have no independent disputation function in the *Bavli* outside his exchanges with Rava. Comparison to *Yerushalmi* parallels is of little assistance here, since our present concern is the selection and formulation of material from the Land of Israel in the *Bavli*.

13 See, for example, the *sugya* in *b. Qidd.* 59a–b. These *Sugyot* will be discussed in full in my upcoming article mentioned in note 2 above.

14 The latest significant itinerant tradents were active in the fourth generation, found mostly in the academy at Pumbedita.

15 The selectivity of the *Bavli* is not only with regard to the specific generations, but also to given scholars within the generations selected. This selectivity within the earlier generations, in which the presence of itinerants is clear, would influence our judgment with regard to the selection of the generation by the editor, namely, that it is by choice and not due to any *force majeur*.

16 See Table 1 for the data, and the notes below for the relevant sources.

quoted in the *Bavli* over two thousand times, as much as virtually any Babylonian master. His pupils, even when taken altogether, are brought in hundreds of sources less than he, yet they appear in איתיביה segments almost as frequently as R.Yohanan himself. The strong impression arising from the data is that material formulated in the איתיביה pattern has been carefully selected.

Except for one segment of the fourth amoraic generation, no *amoraim* of the Land of Israel after the third generation are represented in איתיביה formulation, despite significant amoraic activity in Israel during the fourth and fifth generations. It appears that the איתיביה editors were interested in R.Yohanan and his prominent students. These data may actually reflect the period of איתיביה editing as a whole, and thus be evidence of intentional literary design. For, if the איתיביה editing was substantially complete by the end of the fourth or beginning of the fifth Babylonian generation, the absence of איתיביה material from the Land of Israel from the fourth generation onward would be self-explanatory.

Babylonian *Amoraim*

איתיביה segments directed to Babylonian *amoraim* peak overwhelmingly in the third generation. Specifically, disputation segments addressed to Rabbah bar Nahmani and R.Nahman ben Yaakov lead the way. Third generation segments are more than three times the number of queries posed to fourth generation *amoraim*, more than five times more than those posed to second generation *amoraim*, and ten to fifteen times more than queries posed to first, fifth and sixth generation Babylonian *amoraim*.

The distribution of איתיביה segments among Babylonian *amoraim* also appears to be purposeful. In the second generation, Sura dominates, and especially the queries of R.Nahman to R.Huna,[17] while queries to R.Yehudah of Pumbedita are minimal, even insignificant. Thirteen segments are preserved from R.Huna, as posed chiefly by R.Nahman and R.Hisda, while only two are preserved from R.Yehudah. The two R.Yehudah segments which are preserved in the *Bavli* are posed by R.Hoshayah II and R.Kahana II, relatively minor *amoraim*. It is curious that no such segments are preserved in the names of R.Yehudah's prime pupils. R.Huna of Sura and R.Yehudah of Pumbedita were both leading students of Rav, yet there seems to be a preference for R.Huna in the formulation of איתיביה traditions. This preference is also discerned in the איתיביה queries posed to the second-generation itinerant *amora* Ulla, in his exchanges with Babylonian *amoraim*. Despite the fact that Ulla generally appears in Pumbeditan *sugyot*, more than half of the ten איתיביה queries to Ulla in the *Bavli* are posed in Sura, and five by R.Abba, a student of R.Huna.[18] It would appear that איתיביה formula-

17 See below, and in Table 2 and the relevant notes on the table.

18 R.Abba did study with R.Yehudah for a brief period after R.Huna's demise, then resettling in

tion of disputation material from the schools of second-generation Babylonian *amoraim* is concentrated on R.Huna's line of transmission.

In the third Babylonian amoraic generation, amoraic literature reflects expanding Pumbeditan dominance, and one would expect a proportional impact on the distribution of איתיביה formulation.[19] However, the data points in a very different direction. D.Kraemer asserts that dialogue elements were more common in Sura than in Pumbedita during the third generation. This assertion is yet more interesting in light of the fact that *memrot* of the third generation on the whole are more numerous from Pumbedita than from Sura. The איתיביה data confirms Kraemer's generalization: Rabbah bar Nahmani, a leading student of R.Huna, is queried in איתיביה segments over sixty times. By comparison, R.Yosef, a virtual co-regent in Pumbedita and a prominent amoraic personality in his own right,[20] appears less than one third as often. It might be claimed that Rabbah's frequency in these segments is not surprising, considering his long service as head of the Pumbeditan academy, compared with R.Yosef's short tenure.[21] However, closer examination mitigates against such a simple quantitative analysis. R.Yosef queries only Rabbah, as if he is of interest in this regard only insofar as he contributes to the chosen line of transmission.[22] More significantly, R.Yosef's relationships with his own masters are not reflected in איתיביה

R.Yohanan's academy in Tiberias. Ulla frequented Pumbedita more than Sura, yet the Suran disputant is recorded most of all. This may reflect on the editorial preference in the formatting of איתיביה segments.

19 See the doctoral dissertation of David Kraemer, *Stylistic Characteristics of Amoraic Literature* (New York: Jewish Theological Seminary, 1984) chp.3, specifically his statistical analysis of apodictic versus dialogue segments during this period. The conclusion is: those engaged in dialogue formulation, editing and/or preservation were apparently more involved with Suran transmission lines than Pumbeditan.

20 Rabbah and R.Yosef learned together in the lessons of R.Nahman (see *b.Yebam.* 66b), and the two together are referred to as "the *amoraim* of Pumbedita" (*b.Sanh.* 17b). They are mentioned as common authors of dozens of *memrot* (דאמרי תרוייהו). The Talmud reports (*b.Ber.* 64a and *b.Hor.* 14a) that after R.Yehudah's death, it was unclear which of the two would be appointed in his stead. Even after a decision was rendered in favor of R.Yosef, due to his more fundamental learning style, he elected to defer to Rabbah, and refrained from any show of authority during Rabbah's tenure, even relating to him at times as if his student (*b.Erub.* 78a and *b.Ber.* 18a). Nevertheless, his stature in Pumbedita was most significant, and he was regarded as the master of mystical lore (*b.Hag.* 13a). It appears that R.Yosef was the main pupil of R.Yehudah, while Rabbah was more connected to the Suran academy, and specifically to R.Huna. R.Yosef is the main carrier of R.Yehudah traditions, especially those which R.Yehudah transmits in the names of Rav and Shemuel (see C.Albeck, מבוא לתלמודים [Tel Aviv: Dvir Publishing, 1974] 292 and A.Heimann, תולדות תנאים ואמוראים [Jerusalem: Kiryah Neemanah Yerushalayim, 5724 (1964)] 743 on this point).

21 Rabbah served for twenty-two years as head of the Pumbeditan academy after the death of R.Yehudah, and R.Yosef served for only two and a half years after Rabbah's death. See the previous note.

22 As we noted regarding R.Laqish and his relationship in the איתיביה segments with R.Yohanan, see above.

formulation. R.Yosef also learned with R.Huna, yet virtually nothing of this relationship has found its way to איתיביה formatting.[23] No איתיביה questions of R.Yosef to R.Yehudah are preserved, despite the large number of other traditions quoted by R.Yosef in the name of his master teacher.[24] This is reminiscent of the lacuna of second generation איתיביה material from R.Yehudah himself. Apparently, the איתיביה editors seem to prioritize the R.Huna–Rabbah transmission line over the R.Yehudah–R.Yosef transmission line. When we examine the איתיביה segments posed to both Rabbah and R.Yosef, we discover that the number of *amoraim* involved is extremely limited, and somewhat nepotistic: other than Rabbah and R.Yosef's queries to each other, we only find Rabbah's son Rava, Rabbah's nephew and adopted son Abaye, and only four other segments from two additional *amoraim*, also students of Rabbah. Where are all the other *amoraim* of third-generation Pumbedita? There were dozens of significant *amoraim*, and the number of serious students must have been many more.[25] איתיביה segments from third generation Pumbedita seem to be carefully selected, as in the case of the segments from Israel and the second Babylonian generation.

Almost as dominant as the questions posed to Rabbah are questions put to R.Nahman by Rava bar Yosef bar Hama, which are also almost three times as many as the questions posed to his contemporary R.Yosef. Rava learned with R.Hisda (who was to be his father-in-law at a later stage), R.Sheshet and, at a later stage, with R.Yosef as well, but R.Nahman was clearly his prime master.[26] It is natural that more questioning and challenging sequences should be produced in Rava's discussions with him. However, it is curious that R.Hisda and R.Sheshet are so markedly de-emphasized in Rava's איתיביה segments, while Rava's later master, R.Yosef (despite his own de-emphasized status relative to Rabbah) still has three times as many איתיביה segments preserved in the *Bavli* as R.Hisda and R.Sheshet. Close analysis reveals that the preserved R.Yosef traditions are carefully selected, coming only through Abaye, Rabbah himself, or Rabbah's son. The impression is that the איתיביה editors were attempting to preserve the transmission lines of R.Yohanan–R.Laqish, R.Huna–Rabbah, and R.Nahman–Rava. These preferences, and specifically the connection to the academy in Pumbed-

23 This curious phenomenon may possibly be explained by the variant histories of Rabbah and R.Yosef. Rabbah was primarily a student of R.Huna, joining the academy of R.Yehudah only after his master's demise. R.Yosef was primarily a student of R.Yehudah, learning only for a relatively short period with R.Huna. See Heimann, תולדות, 743, and especially his remark: אבל מר״ה קבל כשהיה כבר גדול הדור ולכן לא מצינו בשום מקום רב יוסף אמר ר״ה אבל מצינו בעי רב יוסף מר״ה.

24 Dozens of apodictic traditions are preserved as direct transmission of R.Yosef from R.Yehudah, plus many other segments of other forms of dialogue, such as בעי רב יוסף, etc.

25 See the exhaustive listings of the colleagues of both Rabbah and R.Yosef in Heimann, in the relevant entries. For a similar phenomenon in the material of the fourth generation, see below.

26 See Albeck, מבוא לתלמודים, 374, and Heimann, תולדות, 1041. Rava is also found at R.Nahman's death, see *b.Moʾed Qaṭ.* 28a, and in the following notes.

ita through Rabbah, affected the preservation of a limited number of R.Yosef איתיביה segments as well.

In the fourth generation, Abaye was accepted as academy head in Pumbedita from among four candidates, as told in *b.Hor.* 14a, and he became a popular and well-attended academy head. Despite Abaye's position as head of the academy,[27] though, the number of איתיביה queries posed to him is miniscule.[28] Rava bar Yosef, on the other hand, has almost as many איתיביה queries posed to him in the Babylonian record as did Rabbah and R.Nahman in the third generation! The selection of Rava's transmission line over Abaye's is manifest. In the fifth generation, with the exception of a few segments posed to Amemar, all איתיביה selections are posed to the students of Rava.[29] The material closes with a number of queries posed to R.Ashi. The fifth- and sixth-generation איתיביה segments are a *post scriptum* to the central transmission lines of R.Yohanan–R.Laqish, R.Huna–Rabbah and R.Nahman–Rava bar Yosef.

Rava bar Yosef bar Hama — the hub of editorial activity

How can the above phenomena be explained? I opine that the איתיביה material is documenting Rava's teachers, his personal training and his favored transmission lines. Rava was a unique blend of amoraic styles, due to the three main periods of his training with the greatest scholars of the previous generation. First and foremost in Rava's training was R.Nahman bar Yaakov who, hailing from Nehardea, eventually became master of Rava's home region, Shehnitziv/Mehoza. R.Nahman left Nehardea after its destruction in the mid-third century and, together with his master Rabbah bar Avuha, made his way to Shehnitziv, Shilhi and Mehoza. He became the master of the Mehozan academy at the death of Rabbah bar Avuha some time later. Rava grew up in Mehoza, where his own father R.Yosef bar Hama was a recognized scholar, and Rava's early education was entrusted to R.Nahman. R.Nahman was unique among Rava's teachers, in that he was primarily a judge, not an academy head, and he therefore represented local Babylonian jurisprudence. R.Nahman was not a student of Rav, for instance, and was therefore under less influence of the imported Mishnah traditions. His formative years were spent around local Babylonian masters, from whom he acquired the legal traditions and study methods which became part and parcel of young Rava's approach as well.

27 See the reflection on his leadership in *b.Qidd.* 20a and *b.Ketub.* 106a.

28 Despite the indications that Rava bar Yosef maintained his own academy in Mehoza (see *b.B.Bat.* 22a), he may have often visited with/before Abaye in Pumbedita as a student-colleague until Abaye's death circa 340 C.E., at which time many students moved to the Mehozan academy under Rava's direction. See *b.ʿAvod. Zar.* 58a, for example. See Heimann, תולדות, on this point, 1047.

29 See Table 2 for the data, and the relevant notes below for the sources.

It may be postulated that Rava studied next in Sura, under R.Hisda and R.Sheshet, and in this stage Rava was exposed far more deeply to the Mishnah, the analysis of which was the bedrock of the Suran enterprise.[30] R.Huna, the Suran academy head in the second century, was a prime pupil of Rav, and thus the heir of the Mishnah tradition Rav brought with him from Israel. It is doubtful whether Rava saw or learned with R.Huna personally, but the preservation of his traditions by R.Hisda, R.Sheshet, and by Rava's own master, R.Nahman, added this unique second phase to Rava's training.

In his more mature years, Rava learned in Pumbedita, together with his colleague Abaye. The *Bavli* is filled with examples of their common *memrot* and their conversations and disputes. However, this appears to have begun toward the very end of Rabbah's headship in Pumbedita. Apparently, Rava did not learn personally with Rabbah bar Nahmani, arriving only later as R.Yosef became the master of the academy.[31] There is a common perception that Rava was a student of Rabbah together with his friend Abaye, who was also Rabbah's nephew and adopted son from birth. This perception is possibly based on stories such as that preserved in *b.Ber.* 48b. However, there the reading should be Rava bar R.Hanan, as is found in several reliable sources such as *BeHaG*, and is not connected to Rava bar Yosef at all, who grew up in Mehoza. Rava is mentioned at the death of Rabbah in *b.B.Meṣi*ᶜ*a* 86a, but we find no sources whatever of direct discussion between Rabbah and Rava, or quotations of Rabbah by Rava, even though *memrot* of Abaye in the name of Rabbah abound. In distinction to this presumed but undocumented relationship with Rabbah, there are numerous examples of Rava with R.Yosef, such as *b.Ḥul.* 133a, *b.Šabb.* 142b and *b.Yoma* 53b and, of course, with Abaye. Through Abaye, Rava came into contact with a vast repository of R.Huna's teachings, as presented by Rabbah.[32] These R.Huna–Rabbah traditions are extensively preserved in the איתיביה format, while the R.Yehudah–R.Yosef–Abaye transmission line is far less significant in the eyes of the איתיביה editors. It would appear that the Pumbeditan academy also provided Rava with systematic exposure to the traditions imported from the Land of Israel, and especially those of R.Yohanan and R.Laqish.[33] With the fusion of these three tutelage periods, Rava bar Yosef's training was complete: an unlikely blend

30 If, as would seem from the sources, Rava arrived in Pumbedita only toward the end of Rabbah's headship of the academy, it would stand to reason that his middle period would be the appropriate match for his studies in Sura.

31 See Heimann, תולדות, 1041.

32 Rabbah's prime master was R.Huna, and he often quoted him, or referred to their time together. See, for example, *b.*ᶜ*Erub.* 41a–b. A separate study is required to isolate and analyze this critical pool of data, considering its unique role as a bridge from second-generation Sura to fourth and fifth-generation Mehoza, through third-generation Pumbedita.

33 As discussed above in note 2, and in the scholarly literature cited there, the "entry level" of R.Yohanan–R.Laqish material is generally the late third or fourth Babylonian generation.

of the local, case-law, non-scholastic jurisprudence of R. Nahman, combined with the contra-indicating influence of the Mishnah from the Land of Israel, as interpreted by its Babylonian tradents.

After Abaye's death, when much of the Pumbeditan student body moves to Mehoza,[34] Rava's academy becomes the intersection of amoraic traditions and tradents of all transmission streams. Rava becomes the editor and central transmittor of Babylonian amoraic dicta. The evidence arising from איתיביה material suggests that Pumbeditan traditions were maintained in Mehoza as *memrot* and even as general discussion material. However, the traditions delivered through the chosen and preferred transmission lines of R. Huna and R. Nahman receive preferential editorial and redactorial treatment. They are preserved together with argumentation terminology which reflects, on the one hand, depth of comparative analysis of the ancient tannaitic sources and, on the other hand, the authoritative local Babylonian jurisprudence of R. Nahman. The disputation segments edited in the unique style of איתיביה provide an opportunity for a merger of the two streams. The Mishnah and its related tannaitic sources become a foil by which to analyze the amoraic *piskei din*, and איתיביה is born.

The content of the איתיביה segments of the preferred transmission lines exemplifies the thesis that איתיביה formulation merged the indigenous case-law format and the developing Mishnah-based study. The very nature of the queries posed to the masters of one transmission line differs radically from the nature of the queries posed to the alternative line. The איתיביה queries posed by Rava to R. Nahman are overwhelmingly regarding halachic decisions unconnected to the Mishnah or parallel tannaitic sources.[35] Among the forty-two extant sources, only a dozen are dealing with cases of Mishnah interpretation. The balance of the queries are based on independent legal decisions of R. Nahman. That is, the focus of Rava's discussions with R. Nahman was independent jurisprudence, in keeping with the indigenous case-law format of the Babylonian traditions. In contrast, the focus of the איתיביה segments posed to R. Huna, Rabbah bar Nahmani, and R. Yosef are overwhelmingly regarding interpretations of the Mishnah or related tannaitic sources, reflecting the developing Mishnah-based format.[36] Among queries of Abaye to Rabbah, approximately twenty-five cases are dealing with interpretation of Mishnah or *baraita*. Similarly, in queries of Abaye to R. Yosef,

34 See n. 28 above.

35 See Table 2 and note 102 below for the statistics and sources. They include five cases of queries which follow בעי מיניה רבא מרב נחמן sequences: see *b. Šabb.* 79a, *b. Erub.* 70b, *b. Git.* 20b, *b. Qidd.* 44b, *b. B. Qam.* 71b. Other typical cases of queries of Rava on independent legal decisions include: *b. Ber.* 42b, *b. Beṣah* 32b (the Vilna reads Rava), *b. Ketub.* 68b, *b. Ned.* 31b, and many more. This group of sequences also requires a separate study in order to characterize the unique relationship between Rava and R. Nahman, which heavily influenced the formulation and editing of amoraic material in Mehoza.

36 See Table 2 and nn. 84–88, 98–101, and 107–109 for the statistics and sources.

at least eleven of seventeen cases are dealing with interpretation of Mishnah or *baraita*. Such overwhelming statistical differences between the queries posed to R. Nahman and those posed to R. Huna, Rabbah and R. Yosef cannot be incidental, and reflect the very nature of the transmissions of these scholars to Rava, Abaye and the balance of their disciple groups. The genre of the איתיביה segment is common to both the independent jurisprudence and Mishnah interpretation groups, a "Rava bar Yosef attachment" to the two transmission lines, pulling them into a common editorial package.

The statistical anomalies regarding the distribution of איתיביה segments over the amoraic generations and academies cannot be explained by merely claiming that the overall amoraic material represented in the Talmud has a similar relative distribution to that of איתיביה segments. For instance, the dicta preserved in the name of Rav of the first generation are only slightly fewer than those preserved in the name of Rava in the fourth generation;[37] yet the incidence of איתיביה material in the two generations is wildly disproportionate.[38] Furthermore, the uniqueness of the איתיביה formulation cannot be explained, as David Kraemer has attempted to demonstrate,[39] by assertion that dialogue material is a development commencing with third, and especially fourth-generation *amoraim*. As we have seen, almost all fourth-generation Babylonian *amoraim* are excluded from the איתיביה editorial process. Although the known *amoraim* from the fourth Babylonian amoraic generation number over sixty *amoraim*, only Rava and Abaye, R. Zeira and R. Shizvi are recorded in this formulation, and each of the latter two with one segment only. Abaye himself is preserved in this formulation only five times, and the balance are all Rava. Similarly, fifth and sixth-generation *amoraim* are far less represented than the third and fourth-generation *amoraim* who constitute preferred transmission lines. Instead of the claim that overall distribution of amoraic material yields a proportional occurrence of איתיביה material, it may be that the occurrence of איתיביה material explains the overall distribution and editing/redacting of amoraic material.[40]

37 The *memrot* recorded in the name of Rav are over two thousand, two hundred, roughly similar to the attributions to Rava. For exact statistics, see D. Kraemer's doctoral dissertation, *Stylistic Characteristics*.

38 See Table 2 for the data, and the relevant notes for the sources.

39 See Kraemer, *Stylistic Characteristics*. I dealt with Kraemer's *sugyah* analysis extensively in my dissertation: *Evolution and Change in the Teachings of R. Yohanan ben Nafha in Transfer from Israel to Babylonian* (New York: Bernard Revel Graduate School of Yeshiva University, 1990). However, Kraemer's overall statistical analysis is valuable as a basis for comparison to the various phenomena and terminology, as exemplified here.

40 D. Kraemer has explained certain elements of these phenomena, suggesting that the editing of Babylonian dialogue material peaks in the fourth generation. His suggestion is based on measurement of overall numbers of dialogue segments in the Babylonian Talmud, and is substantially correct. Among both Babylonian and Israeli amoraic pairs in the Babylonian Talmud, dialogue

Who was the master of the Babylonian איתיביה formulation? The quantitative and qualitative evidence presented here is that the parties responsible for the literary formulation and editing of the איתיביה segments were those for whom the traditions of R. Huna, Rabbah, R. Nahman, and Rava were pre-eminent, namely, the academicians of fourth and fifth-generation Mehoza, under the leadership and tutelage of Rava bar Yosef bar Hama himself. This finding would indicate that there was significant editorial activity in the fourth and fifth-generation Mehozan academy, including sifting, selection and specific formulation of amoraic traditions with defined disputation terminology.

My conclusions regarding the editing of איתיביה material by Rava bar Yosef may be corroborated through documentation of the comparative weight and type of amoraic material from the Pumbeditan and Suran transmission lines as they converge in fourth and fifth-generation Mehoza. Specifically, it is necessary to compile statistical data on the amoraic sources from the various academies under discussion in Mehoza, and the form in which these sources are presented. It may be possible to determine the manner in which the material of the various academies was formulated, transmitted, and preserved. I hypothesize that further study will indicate that fourth and fifth-generation Mehoza was, indeed, the hub of early editorial activity in amoraic Babylonia. From a methodological point of view, I conclude from my study of איתיביה segments that disputation terminology can indeed serve as a key indicator of formulation, transmission, and editing/redacting of amoraic material in the talmudic corpus as a whole. Corroboration of this innovative methodology will arise from the tracing of other talmudic disputation, discussion and transmission terminologies in the Babylonian Talmud, and their connection to the editorial offices of Rava bar Yosef bar Hama and his Mehozan academy.

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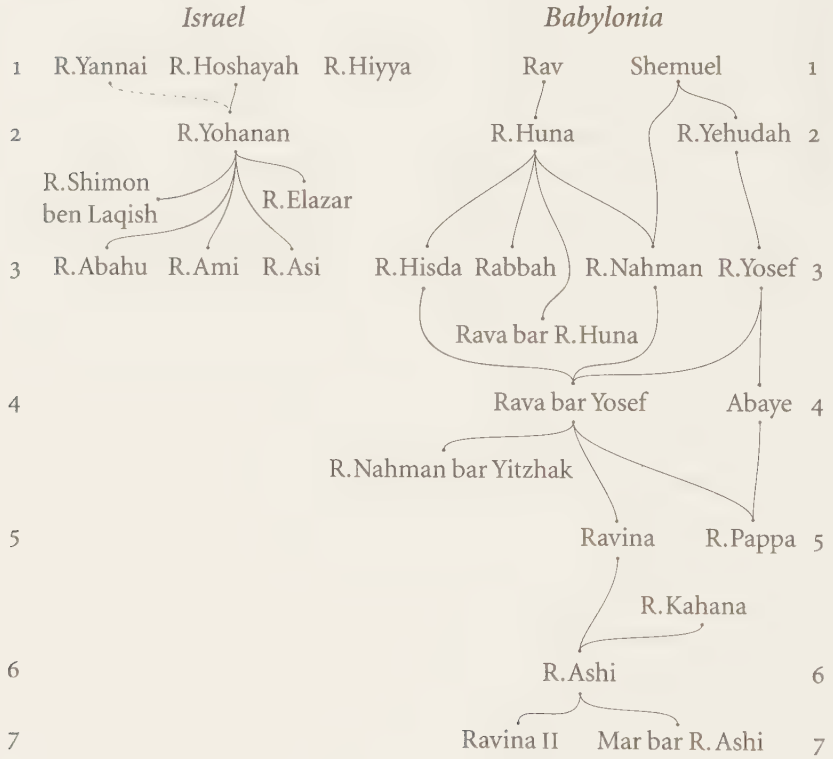
segments are approximately five times more frequent in the fourth-generation than in previous generations. However, he claims that איתיביה segments as a whole must be attributed to post-amoraic editing, and are thus fictitious elements in the amoraic *sugyah*! His own statistical findings do not substantiate his conclusions. How are we to explain the fact that איתיביה exchanges in the fourth generation are significantly more disproportionately frequent than dialogue segments as a whole? Why do איתיביה segments drop disproportionately in the later generations if *stama* scholars are responsible for them? What is the meaning of the extreme selectivity of Israeli amoraic material formulated with איתיביה?

Amoraim and Academy Transmission Lines
Israel and Babylonia

This diagram lists those selected prominent *amoraim* discussed in the body of the article above. The seven generations of the amoraic period (c. 220–475 C.E.) average 35 years each. Transmission lines are indicated by solid lines between the *amoraim*. Possible transmission lines are indicated by dashed lines. The reader is referred to the following works for additional historical and biographical information: Albeck, H., מבוא לתלמודים (Tel Aviv: Dvir Publishing, 1974); Heimann, A., תולדות התנאים והאמוראים (Jerusalem: Kiryah Neemanah Yerushalayim, 5724 [1964]).



Segments of איתיביה

Numbers in parenthesis signify the number of איתיביה steps. A listing such as "פלוני, 10 – אלמוני, 3 (1 של 4, 1 של 3, 1 של 2)" would signify ten segments in which a given *amora* is queried, of which three segments are queries of a certain disputant, one segment of four steps, one of three steps, and one of two steps. In the event of transferred *sugyot*, the *sugyah* is listed only once. Similarly, איתיביה segments presented in variants in the *sugyot* („איכא דאמרי," „איכא דמתני," או „איתימא") are also presented only once. In each generation, *amoraim* are presented in order of the number of queries to them. Multiple disputants for a given master are presented in order of their frequency. The locations of the various queries are brought in Hebrew in the notes. I have separated the segments of varying lengths within the context of each tradent, and I have indicated the transfer sources in the notes as well. In the case of the manuscript confusion between Rabbah and Rava, I have indicated the same in the quotation of the sources.[41]

TABLE 1, *AMORAIM* OF THE LAND OF ISRAEL IN THE *BAVLI*

הנשאל	השואל ומס׳ השאלות
טרום אמוראי	
רבי, 4	לוי, 1 (1)[42]
	רב, 1 (1)[43]
	רב יוסי בן שאול, 2 (1,1)[44]
דור 1	
רב יהודה בריה דרבי חייה, 1	חזקיה, 1 (1)[45]
רבי יהודה בר ליואי, (בן לוי) 1	רבי יוחנן, 1 (1)[46]
רבי חייא, 1	רבי, 1 (1)[47]
דור 2	
ר׳ יוחנן/ר״ל, 33	ר״ל/ר׳ יוחנן, 33 (1 של 10, 1 של 6, 1 של 5, 2 של 4, 1 של 3, 7 של 2, היתר של 1)[48]

table continues

41 It is my intention to dedicate a separate study to this problem.
42 ברכות מט.
43 בבא קמא קטז.
44 עבודה זרה נב:, נדה כו:
45 סנהדרין לז.
46 נדה ס.
47 הוריות יא:
48 של 10: עבודה מב.–:=מעילה יד., של 6: קידושין נט.–:, של 5: חגיגה ז., של 4: נזיר טז:–יז., חולין

הנשאל	השואל ומס׳ השאלות	
רבי יוחנן, 8	רב אסי, 3 (1 של 2, היתר של 1)[49]	
	רב חייא בר אבא, 2 (שניהם של 1)[50]	
	רבי אלעזר, 1 (1)[51]	
	רבי יוסי בר חנינה, 1 (1)[52]	
	רבי אבהו, 1 (1)[53]	
רבי יהודה בן שמעון, 1	רבי יוחנן, 1 (1)[54]	

דור 3

רב אסי, 2	רבי אבא, 1 (2)[55]	
	רבי זירא, 1 (1)[56]	
רבי אבהו, 4	רבי ירמיה, 3 (כולם 1)[57]	
	רבי אבא, 1 (1)[58]	
רב חייא בר אבא, 3	רב אבא בר ממל, 2 (1, 1)[59]	
	רב אבא בר שמואל,[60] 1 (1)[61]	
רבי אבא, 4	רב שמואל בר אבא, 1 (1)[62]	
	רב אחא בר פפא, 1 (1)[63]	

עד:–עה. (+איכא דאמרי), של 3: נדה סב:, של 2: פסחים לד.–:, יבמות לה: (שניהם + איכא דאמרי), סנהדרין קיא:, זבחים קיג.–: (שניהם + איכא דאמרי), מנחות ט.–:, חולין קיט:–קכ. = קכג:–קכד., בכורות ד: (+איכא דאמרי), של 1: פסחים פד., פסחים פד:, ראש השנה טו:, יומא עד., סוכה מו: (+איכא דאמרי), יבמות י:, יבמות סב., כתובות לד:–לה. (+איכא דאמרי), נזיר יב., גיטין יא:, גיטין מז: (+איכא דאמרי), קידושין נז., בבא קמא סח:, בבא קמא עז:, בבא מציעא צ:, בבא בתרא קלו:, בבא בתרא קנד., עבודה זרה ו: (+איכא דאמרי), מנחות כג., נדה כד.

49 של 2: נדרים פב:–פג., של 1: גיטין עד:, קידושין סב.

50 שבת קה:, בבא קמא קו:

51 כתובות יג:

52 יבמות כז:

53 מכות ז:

54 בבא בתרא קטו.

55 גיטין עח:

56 חולין לד:

57 בבא מציעא טז:, שבועות כא., תמורה ג:

58 סנהדרין ו.

59 בבא קמא קו:, שבועות מ:

60 Virtually all manuscripts read "Abba bar Mamal." See Albeck, מבוא לתלמודים, 309.

61 זבחים קה:

62 בבא קמא ז.

63 שבת קיג.

הנשאל	השואל ומס׳ השאלות
	רב הונא (ב), 1 (1)[64]
	רב ספרא, 1 (1)[65]
רבי זירא, 5	רבי ירמיה, 5 (1 של 4, 1 של 3, 1 של 2, 2 של 1)[66]
רבי אמי/ואיתימא ר׳ יצחק נפחא, 2	רבי יצחי נפחא, 1 (1)[67]
	רבי ירמיה/ואיתימא רבי זריקא, 1 (1)[68]
רבי אלעזר, 1	רבי שמעון בן אליקים, 1 (1)[69]
רבי אילעאי, 1	רבי חנינא (בר איסי), 1 (1)[70]
רב שמואל בר נחמני, 1	רבי חלבו, 1 (1)[71]
רבי אמי, 1	רבי אבא בר ממל, 1 (1)[72]
רבי אבין בר כהנא, 1	רבי אבין בר חייא, 1 (1)[73]
דור 4	
רבי ירמיה, 1	אביי, 1 (1)[74]

TABLE 2, BABYLONIAN *AMORAIM* IN THE *BAVLI*

הנשאל	השואל ומס׳ השאלות
טרום אמוראי	
אבוה דשמואל, 1	רב, 1 (1)[75]
דור 1	
רב, 8	רב שימי בר חייא, 4 (כולם של 1)[76]
	רבי אלעזר, 2 (שניהם של 1)[77]

table continues

64 זבחים לו:
65 כתובות כא:
66 של 4: תמורה י:, של 3: כריתות יז:–יח., של 2: בבא קמא יט., של 1: מועד קטן ד., נדרים לו:
67 יומא מט:–נ.
68 חולין מח:
69 בכורות נו.
70 בבא קמא סה:
71 בבא בתרא קכג:
72 בבא מציעא לו.
73 תמורה כ:
74 בכורות כג.
75 כתובות נא:
76 עבודה זרה נז., מנחות כט., מנחות קי., נדה כד.
77 בבא קמא פז:

הנשאל	השואל ומס׳ השאלות
	שמואל, 1 (1)[78]
	רב הונא, 1 (1)[79]
שמואל, 3	רב, 1 (1)[80]
	רב יהודה, 1 (1)[81]
	רב חמא בר גוריא, 1 (1)[82]
רב אסי, 3	רב הונא, 3 (כולם של 1)[83]
	דור 2
רב הונא, 13	רב נחמן, 7 (1 של 3, היתר של 1)[84]
	רב חסדא, 3 (כולם של 1)[85]
	רבי אבא, 1 (1)[86]
	רב כהנא, 1 (1)[87]
	רבה בר רב הונא, 1 (1)[88]
עולא, 10	רבי אבא, 5 (כולם של 1)[89]
	רב יהודה, 1 (1)[90]
	רב נחמן, 1 (1)[91]
	רב הושעיה, 1 (1)[92]
	רב חגא, 1 (1)[93]
	רב המנונא, 1 (1)[94]

78 בבא קמא נג.
79 כתובות קו:
80 בבא קמא עה.
81 כריתות יט:
82 בבא קמא צט:
83 כתובות מח:, קידושין מו., כריתות יז:
84 של 3: ערכין יד., של 1: בבא קמא ט., בבא מציעא מג., בבא בתרא קמא:, זבחים קטז:, מנחות יג:, חולין מ.
85 פסחים עג:, בבא קמא עד:, סנהדרין עב:
86 חולין ט.
87 מועד קטן יג:
88 מועד קטן יב:
89 גיטין לט., קידושין נח., בבא מציעא יא., בבא מציעא מו., חולין מז:
90 ביצה כב.
91 זבחים טו.
92 זבחים לב:
93 עבודה זרה סח.
94 חולין לד:

הנשאל	השואל ומס׳ השאלות
רב יהודה, 2	רב כהנא, 1 (1)[95]
	רב הושעיה (ב), 1 (1)[96]
רב חייא בר אשי, 1	רב אסי בר נתן, 1 (1)[97]

דור 3

רבה, 62	אביי, 54 (6 של 3, 6 של 2, היתר של 1)[98]
	רב יוסף, 4 (1 של 2, היתר של 1)[99]
	רב אחא בר רב הונא,[100] 3 (כולם של 1)
	רב אחא בר אבא, 1 (1)[101]
רב נחמן, 47	רבא, 42 (3 של 3, 9 של 2, היתר של 1)[102]
	רמי בר חמא, 2 (שניהם של 1)[103]
	רב הונא בר חלוב, 1 (1)[104]
	רב אחא מניומי, 1 (1)[105]

table continues

95 ביצה עג:

96 גיטין כה.

97 שבת נג.

98 של 3: שבת מב:–מג., ביצה יח., כתובות מב.–:, כתובות עג:, גיטין ס., זבחים עה:–עו., של 2: שבת קכג.=קכג:=קכד.,עירובין קד., ראש השנה כח:, יומא י., מועד קטן יט:–כ., יבמות קי.–:, של 1: שבת כא., שבת קנד:, עירובין נ.=קידושין נ:, עירובין ע., עירובין פא., עירובין צה., עירובין צח., פסחים מז:, פסחים סט., פסחים צו:, יומא נ.=יומא סה.=שבועות יא., סוכה ז., ביצה יב:, ביצה כב. (שני מקרים), תענית יב., מגילה יט., מגילה כז., מועד קטן יג., יבמות יח., יבמות לא., יבמות לח:, יבמות נא., כתובות עה:, נזיר יט:, גיטין כח., גיטין לז:, בבא קמא מג., בבא מציעא צג:, סנהדרין כא:, סנהדרין סט., מכות ט., מכות כא:, עבודה זרה טו:, עבודה זרה כד:, עבודה זרה נ:, זבחים טו:, זבחים כה:, זבחים צג:=מנחות ז:, בכורות י:, תמורה יט., כריתות טו.

99 של 2: בבא קמא נו:–נז., של 1: מועד קטן ב:, בבא קמא סו., מעילה ג.

100 מנחות לז., מנחות עא:, חולין לב: מבוא, In these three cases, Vilna reads Rava, but see Albeck, לתלמודים, 356.

101 מנחות פב: תולדות, This is apparently Rav Aha bar Huna, see Heimann, entry "Aha bar Abba," and Albeck, מבוא לתלמודים, under the same entry.

102 של 3: גיטין כג., בבא קמא נ:–נא., כריתות יח.
של 2: עירובין ע:, חגיגה יט. (נוסח הדפוס: רבה), כתובות סח:, קידושין סה., בבא מציעא ע:, סנהדרין ה:, מנחות לט.–:, חולין לא:, תמורה ז:–ח.
של 1: ברכות מב:, שבת עט., עירובין עו:, פסחים טו., ביצה לב:, ביצה לט., נדרים לא:, נדרים פד., גיטין כ:, קידושין ח:, קידושין יג., קידושין מד:, בבא קמא עא:, בבא קמא עח:, בבא קמא צז:, בבא מציעא י.=קיח., בבא מציעא יד:, בבא מציעא סו., בבא מציעא עח., בבא מציעא פא. (נוסח הדפוס: רבה), בבא בתרא לט., בבא בתרא קד:, בבא בתרא קנא:, סנהדרין לא:, עבודה זרה נז. (נוסח הדפוס: רבה), שבועות טז., זבחים עד., מנחות קג:, חולין נד:, נדה כה.

103 עירובין לד:, בבא מציעא סה.

104 שבת קטו:

105 בבא קמא קו.

הנשאל	השואל ומס׳ השאלות
	רב עינא סבא, 1 (1)[106]
רב יוסף, 19	אביי, 17 (1 של 3, 2 של 2, היתר של 1)[107]
	רבא בריה דרבה, 1 (1)[108]
	רבה, 1 (1)[109]
רב ששת, 5	רב אחא בר הונא, 2 (1, 2)[110]
	אביי, 1 (1)[111]
	רב הונא בר חנינא, 1 (2)[112]
	רב המנונא, 1 (1)[113]
רב חסדא, 4	רב חנן בר חסדא, 1 (1)[114]
	רבה, 1 (2)[115]
	רב חייא בר אבין, 1 (1)[116]
	רבא, 1 (1)[117]
רב כהנא, 3	רב יימר, 1 (1)[118]
	רב כהנא בר תחליפא, 1 (1)[119]
	אביי, 1 (1)[120]
רב דימי, 1	אביי, 1 (1)[121]
רב אחא בר יעקב, 1	רב אחא בריה דרב איקא אחותיה, 1 (1)[122]

106 מגילה יד:

107 של 3: סוכה מג:, של 2: עירובין עג:, סוכה מג:, בבא קמא נז.–:, של 1: שבת לח:, שבת מג., שבת נז., שבת סב., עירובין נח:, פסחים נ:, יומא מא:, ביצה יח., חגיגה כה., כתובות יא., נזיר מב:, בבא קמא סו:, סנהדרין סא:, זבחים עה.

108 שבת קכג.

109 בבא קמא נז.

110 בבא בתרא ע., סנהדרין פב:

111 קידושין כא.

112 קידושין כ:–כא.

113 סנהדרין לג.

114 שבת מח.

115 פסחים מו:

116 קידושין נג:

117 מכות ט.

118 עבודה זרה נט.

119 מנחות סו:

120 שבועות יא:

121 פסחים מד.=נזיר לו.–:

122 כתובות עד.

הנשאל	השואל ומס׳ השאלות
	דור 4
רבא, 34	רבינא, 8 (כולם של 1)[123]
	אביי, 4[124] (1 של 3, היתר של 1)[125]
	רב פפא, 3 (כולם של 1)[126]
	רב משרשיא, 3 (כולם של 1)[127]
	רב אדא בר מתנא, 2 (1 של 2, 1 של 1)[128]
	רבי יעקב בר אבא, 1 (2)[129]
	אחרים, 1 כל אחד (1):
	רחבה,[130] רב נחמן בר יצחק,[131] רבה בר ליואי,[132] רב הלל,[133] רב נתן בר אמי,[134] רב אדא בר אהבה (ב),[135] רב חייא בר אבין,[136] רב עמרם (ב),[137] רב יימר בר שלמיא,[138] רב אחא בר תחליפא,[139] רב הונא בר יהודה,[140] רב פפא ורב הונא בריה דרב יהושע,[141] ההוא מרבנן[142]

table continues

123 עירובין כו., פסחים יב:, נדרים כו:, גיטין עג., בבא בתרא קנא:, מכות ח.–:, עבודה זרה כב., מנחות סז.

124 Any experienced student of the Talmud would initially balk at this statistic, since one generally has the impression that the Talmud is filled with questions of Abaye to Rava (bar Yosef bar Hama). Indeed, so it seems according to the readings of the Vilna printing. However, analysis of all the cases reduces the actual cases to four. I shall document this matter, which has interesting historical and literary implications, in a future study.

125 של 3: כריתות יז:, של 1: ברכות לו:, מנחות יא., מנחות כא.

126 פסחים מ., נדרים כו., מנחות סז.

127 שבת קנד:, בבא בתרא קנא:, זבחים ט:

128 של 2: שבת ח:, של 1: עירובין ח:

129 עירובין יב:

130 עירובין כב:

131 עירובין מד.

132 פסחים מ:=עבודה זרה סה:

133 ביצה כו:

134 מועד קטן כ.

135 נדרים כו:

136 נדרים לה.

137 בבא בתרא קה:

138 בבא בתרא ט.

139 סנהדרין כד.

140 זבחים עג:

141 בבא מציעא סג:

142 שבת מט:

הנשאל	השואל ומס׳ השאלות
אביי, 5	רב ספרא, 1 (2)[143]
	רב אידי בר אבין, 1 (1)[144]
	רב פפא, 1 (1)[145]
	אבא בר מרתא (בר מניומי), 1 (1)[146]
	רב אדא בר מתנא, 1 (1)[147]
רבי זירא,[149] 1	רבא, 1 (1)[148]
	רב בר שבא, 1 (1)[150]
רב שיזבי, 1	אביי, 1 (1)[151]

דור 5

רב פפא, 6	רב הונא בריה דרב יהושע, 2 (1 של 3, 1 של 1)[152]
	רב שימי בר אשי, 1 (1)[153]
	רב בר שבא, 1 (1)[154]
	רב יוסף רב שמעיה, 1 (1)[155]
	רב אידי בר אבין, 1 (1)[156]
אמימר, 3	רב אשי, 3 (1 של 2, 2 של 1)[157]
עולא (ב), 3	רבא, 3 (כולם של 1)[158]
רבינא, 2	רב רחומי, 1 (1)[159]
	בני רב פפא בר אבא, 1 (1)[160]

143 עירובין קג.
144 חולין צח.
145 מעילה ג:
146 ביצה כב.
147 בבא בתרא פו.
148 כריתות יח:
149 See Albeck, מבוא לתלמודים, 388–91, Heimann, תולדות, 398, and Y. I. Halevy, דורות, pt. 2, chp. 38.
150 עירובין לד.
151 חגיגה כד.
152 של 3: פסחים פט:, של 1: פסחים לה.
153 עירובין ג:
154 עירובין לג:
155 עירובין מא:
156 חולין קלא.
157 של 2: חולין נח., של 1: ביצה כב., כתובות ק:
158 יבמות קז:, נזיר נא., חולים קלא:
159 חולין פט.
160 יומא סו:

הנשאל	השואל ומס׳ השאלות
רב זביד, 1	רב פפא, 1 (1)[161]
רב נחמן בר יצחק, 1	רבינא, 1 (2)[162]

דור 6

רב אשי, 9	רבינא, 7 (1 של 2, היתר של 1)[163]
	רבי אבא, 1 (1)[164]
	רב אחא בריה דרב אויא, 1 (1)[165]
מרימר, 1	רבינא, 1 (1)[166]

TABLE 3, SUMMARY TABULATIONS OF *BAVLI* איתיביה SEGMENTS

	אמוראי בבל		אמוראי ארץ ישראל	
דור	מס׳ אמוראים	מס׳ מקרים	מס׳ אמוראים	מס׳ מקרים
טרום	1	1	1	4
1	3	14	3	3
2	4	26	3	42
3	8	142	11	25
4	4	41	1	1
5	6	16	–	–
6	2	10	–	–

161 גיטין פט:

162 פסחים קה.

163 של 2: שבת פה:, של 1: סוכה מא., כתובות קב:, נדרים נא., נדרים פח:, גיטין כ., עבודה זרה ס: (נוסח הדפוס: „רב הונא״!)

164 בבא קמא קיז.

165 כתובות עו.

166 שבת פא:

Charitable Contributions, Communal Welfare Organizations, and Allegiance to the Community According to Rashba

Jonathan Cohen
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This paper examines a responsum by R. Solomon b. Abraham Adreth (Rashba) that addresses welfare policy. Rashba's text responds to tension among different factions of a community, resulting from an attempt to impose a "welfare tax." The dispute arises during a period of development in Jewish welfare institutions in Northern Spain. A close reading of the text reveals that it is carefully composed, or edited. An examination of the structure of the text and its sources highlights the substance of Rashba's ruling. Rashba supports the institution of a communally administered welfare fund that would collect and distribute payments according to the requirements of *halakhah*. His ruling highlights the contrast between compulsory welfare payments and voluntary charitable donations, and expresses displeasure with wealthy members of the community who oppose the imposition of a new tax. Rashba's reference to a talmudic story involving the daughter of Nakdimon ben Gurion is a unique feature of this text. His juxtaposition of the wealthy members of the community with Nakdimon ben Gurion is particularly harsh. Rashba is in a position to identify Nakdimon as Buni, a disciple of Jesus according to the Talmud, and to associate him with Nicodemus. His ruling offers clear insights into the aims and functions of welfare, and sends a strong message to those who oppose the institution of a communal welfare policy.

Assistance to the poor and compassion towards the needy have been central elements of communal life and of religious observance throughout much of Jewish history. Yet, the evolution of communal funds and welfare policies has been characterized by great debate, some resistance, and occasional antagonism. The formation of welfare institutions and the regulation of charity have given rise to serious challenges in relation to the scope and function of Jewish law, and have significantly altered the dynamics of communal relations. It is, therefore, not surprising that the evolution of charity has been extensively examined both by scholars of *halakhah*, and by historians seeking to understand the evolution of Jewish communal institutions.

Regulation and enforcement are necessary and, at the same time, controversial aspects of effective welfare policy. Commentators and decisors throughout the medieval period cite the talmudic precedent wherein Rava coerces R. Nathan

bar Ami to give four hundred *zuzim* towards charity[1] (צדקה) to validate the enforcement of a regime of contributions. However, the rule allowing compulsion in respect to charity seems to undermine the notion of divine reward associated with voluntary donations.[2] This difficulty is clearly expressed in the *Tosafot*[3] and in *Sefer ha-Mordechai*,[4] and is implied in the words of R. Meir of Rothenburg.[5] A number of scholars of Jewish law examine the debate among the *Rishonim*, and explain how they ultimately reconcile coercion with other aspects of charity,[6] rendering a review of this material unnecessary. Suffice it to note that the issue of coercion for the sake of charity entails significant difficulty. In fact, halakhic authorities who accept that charitable contributions may be extracted by coercion often differ on the nature and extent of the coercion that may be applied. As Kawior points out,[7] R. Solomon b. Abraham Adreth (Rashba) does not generally allow the seizure of property for the sake of charity,[8] while Maimonides, for example, calls for the creation of a lien and for the seizure of property, even on the eve of the Sabbath.[9] Rashba's responsum 3:380 addresses the issue of compulsion directly, and outlines his general approach to the regulation of communal welfare policies.

Not only is Rashba's ruling important because of its halakhic content, it is also a document produced at a time of economic decline, social unrest, and significant historical transformation. It appears that by the end of the thirteenth century the Jewish community in Catalonia, especially in Barcelona and Gerona, was adversely affected by the rise of the Christian middle class.[10] Also, according

1 See *b.Ketub.* 49b, *b.B.Bat.* 8b.

2 Deuteronomy 15:10 specifically links the giving of charitable gifts with divine blessing. Further, according to *b.Ḥul.* 110b positive commandments that entail a reward do not require the enforcement of human courts: כל מצוות עשה שמתן שכרה בצדה אין ב״ד שלמטה מוזהרין עליה.

3 See the *Tosafot* on *b.Ketub.* 49b, *b.B.Bat.* 8b, *b.Ḥul.* 110b.

4 See particularly the extensive discussion in the *Mordechai* on *Bava Batra*, 490, where contradictory rulings are cited.

5 Cited in the *Tur, E"H, Hilchot Ketubbot* 71: . . . ועל זה נאמר עושה צדקה בכל עת ואם אינו רוצה אין כופין אותו.

6 See, for example, Rav Ezrahi's clear exposition in "Coercion for Charity, for Child Support, and for *Mitzvot*" (Heb.), *Moriah* 133–36 (*Nissan* 5743 [1983]) 193–98; Other notable examples include Rav A. Sofer's "On Coercion in relation to Charity" in *Bikkurim* on Tractate *Baba Batra* (Heb.) (published by Yeshivat Ha-Rambam and Beit Yoseph 5, *Adar* 5724 [1964]) 22–26; S. Kawior, "On the Matter of the Obligation of Charity," *HaDarom*, 41 (*Nissan* 5738 [1978]) 87–89; Rav Gerhoni's "On the Measure of the Commandment of Charity," *Barkai* 2 (Fall 5745 [1984–5]) 75–81 (Heb.).

7 See Kawior, "Obligation of Charity," 87–88, for an extensive discussion of this controversy.

8 See, for example, his Responsa, 4:56.

9 See *Hilchot Matnot Aniyim*, chap. 7, *halakhah* 10.

10 See, for example, Y. Baer, *A History of the Jews in Christian Spain* (2 vols.; Philadelphia: Jewish Publication Society of America, 1961) 1:209.

to Assis, until the end of the thirteenth century most communities of the Crown of Aragon established neither communally-administered charity funds nor coherent welfare policies.[11] Further, we learn that the last decades of the thirteenth century witnessed increasing social tensions and an intensifying struggle between the rich, the middle class, and the poor in Saragossa and in other communities in Aragon.[12] Against this background, Rashba's responsum acquires greater significance. His ruling may be regarded as an expression of general principle, or as part of an attempt to set a new direction for numerous Jewish communities, rather than a ruling designed to resolve a unique, local dispute. While this responsum has already been examined, and occasionally cited,[13] following Assis' recent contributions, it now deserves closer scrutiny.

This essay ventures to identify and highlight Rashba's general approaches to charity and welfare, to communal authority, and, perhaps, to the individual's duty of allegiance to the community as they are reflected in this responsum. The argument entails a close reading of the text (translated below), a brief description of its general structure, and the identification of its main sources. In the course of the examination of a reference to an episode involving the daughter of Nakdimon ben Gurion, we address aspects of Rashba's non-Jewish cultural environment that have so far not been deemed significant to the understanding of his responsa. This study offers new suggestions relating both to Rashba's intended message, and to his correspondent's possible reading of this text. It seeks not only to contribute to our appreciation of the substance of this document, but also to highlight the value in using certain aspects of structural analysis to increase our understanding of Rashba's responsa, and to identify aspects of the non-Jewish environment that may be relevant to the study of his halakhic writings.

Responsa, Rashba 3:380

Regarding your question: The poor in the city are numerous, and the [burden of the] crown is costly. It is for this reason that a dispute erupted among the wealthy, because the very wealthy[14] say: "Let them [the poor] collect [charity] at the doors, and we will all give them food every day

11 See Y.T. Assis, *The Golden Age of Aragonese Jewry* (London: The Littmann Library of Jewish Civilization, 1997) 242.

12 See Assis, *Golden Age*, 237–40. See also Assis' "Welfare and Mutual Aid in the Spanish Jewish Communities" in H. Beinart ed., *Moreshet Sepharad: The Sephardi Legacy* (2 vols.; Jerusalem: Magnes Press, 1992) 1:324–25. See also Baer, *Jews of Spain*, 1:222–25, 228–31.

13 Notably, by Baer, *Jews of Spain*, 1:229; I. Epstein, *The Responsa of R. Solomon Ben Adreth of Barcelona* (New York: Ktav, 1968) 69, 115; Assis, *Golden Age*, 242; Y.T. Assis, "Les institutions sociales médiévales: Les Logiques de la Charité collective et de l'association" in S. Trigano, ed., *La société juive a travers l'histoire* (4 vols.; Paris: Fayard, 1992) 3:188.

14 Or the "magnates," see Baer, *Jews of Spain*, 1:229.

so that they may sustain themselves, since the law stipulates that the moderately rich[15] should [also] give food to all the poor daily like us." And the moderately [rich] argue that this is not what the law stipulates, but [that the law requires] that [the poor] should sit in their houses and not collect at the doors, "because they are our brothers and [of] our flesh, and their sustenance is upon the community, and let us all discharge [our obligation] on the basis of [our] wealth." And the *Beit Din*[16] would impose to assess [the wealth of members of the community and collect], according to the precedent of Rava. Inform me, on whose side is the law?

Reply: The line of the law is according to the [argument of] the moderately rich, that charity and the [burden of] sustaining the poor is [distributed] on the basis of money, and it is like that case where Rava coerced Rav Ami and extracted from him four hundred *zuzim* for charity,[17] and the scab [from the weight of the load] on the camel's back is proportional to [the size of] the camel,[18] and [the key to] management of money is [the performance of acts of] compassion.[19] And it has already been said in *b.Ketubbot*, chapter 6, regarding Nakdimon ben-Gurion that in spite of the fact that he performed [acts of] charity a great deal, his money dissipated because he did not do it appropriately.[20] And to each and every poor person one gives sustenance according to what he is. And it has already been said that even if one does not want to be supported by charity, if he does not have [enough to sustain himself] we should give it to him cunningly, by way of a loan, or we come back and give to him by way of a gift, or that we start off by trying to give him a gift, and if he will not [if he refuses to] receive we give to him by way of a loan.[21] And to each and every one we give according to his status. So that if he is a member of a respected family[22] we give him more, according to his status, as we see in chapter 6 of *b.Ketubbot*. And all the more so, [it is clear] that he should not collect at the doors, whether he has fallen into the hands of an officer [collector, in charge of charity] as the people of the upper Galilee who would collect for a poor person of a respected family a pound of meat every day in spite of the fact that it was a small village,[23] or if he had not yet fallen into the hands of an officer and is supported by an individual, and this is like the case of Rava who sustained [such a poor person] with a fattened chicken and old wine to fill his need,[24] as it is said ". . . and you give to them their food in its [appropriate] time . . ."[25] to teach us that the Holy One Blessed Be He gives to every person according to his need for sustenance, as we see there.[26] However, this generation has become impoverished, and there is no wealth, either in the pocket or in the mind, and in any event, everywhere [it is the practice that] we sustain [the poor] from the collection box [i.e., from a collective fund] and according to [the extent of one's] money, and if they [the poor] should afterwards collect at the doors, they may do so, and all should give according to their judgement and will.

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15 Identified as "the poor" by I. Epstein, *Responsa of R. Solomon*, 69, and, more plausibly, as "the middle class" by Assis, *Golden Age*, 242. In Hebrew: העשירים הבינוניים.

16 The Jewish-law court. Literally: the court house.

17 See *b.Ketub*. 49b.

18 See *b.Ketub*. 67a.

19 Compassion (or benevolence, according to the Soncino Talmud translation) is translated from the Hebrew חסד. See *b.Ketub*. 66b.

20 See *b.Ketub*. 66b.

21 See *b.Ketub*. 67b.

22 "Member of a respected family" is translated from the Hebrew בן טובים. See *b.Ketub*. 67b.

23 See *b.Ketub*. 67b.

24 *b.Ketub*. 67b.

25 See Psalms 145:15; *b.Ketub*. 67b.

26 See *b.Ketub*. 67b.

The General Structure of the Text

THE QUESTION

The question presented to the reader is focused, concise, and plainly written. It may be divided into four parts:

lines 1–2	Introduction (ending at "the wealthy")
2–5	The argument presented by the very wealthy.
5–8	The argument presented by the moderately wealthy (ending at "our wealth").
8–10	Conclusion

As the introduction clearly indicates, the dispute requiring resolution arises as a result of economic pressure. However, the debate between the two factions focuses on the administration of charity and on social responsibility. It is worth noting that the arguments presented by both groups address these two distinct issues. The first part of their respective arguments relates to the collection and distribution of charity funds among the needy (underlined below, "Let them [the poor] collect . . . themselves," lines 3–4, and conversely "but . . . [the poor] should sit in their houses . . . flesh," lines 6–7). The second concerns the responsibility to provide for the poor (italicized below, "since . . . the moderately rich should [also] give . . . us," lines 4–5, as opposed to "their sustenance is upon the community, and . . . on the basis of [our] wealth," lines 7–8). The following presentation of the arguments may elucidate the juxtaposition:

> because the very wealthy say: "LET THEM [THE POOR] COLLECT [CHARITY], AT THE DOORS, AND WE WILL ALL GIVE THEM FOOD EVERY DAY SO THAT THEY MAY SUSTAIN THEMSELVES, *since the law stipulates that the moderately rich should [also] give food to all the poor daily like us.*"
>
> And the moderately [rich] argue that this is not what the law stipulates, but [that THE LAW REQUIRES] THAT [THE POOR] SHOULD SIT IN THEIR HOUSES AND NOT COLLECT AT THE DOORS, "BECAUSE THEY ARE OUR BROTHERS AND [OF] OUR FLESH, *and their sustenance is upon the community, and let us all discharge [our obligation] on the basis of [our] wealth.*"

The connection between these two aspects of the debate is not readily discernible in the argument of the very wealthy. Needless to explain, if both the collection and the distribution of charity occur simultaneously at the doorstep, and if there is no effective control or oversight of the administration of charity, then

there should be no need to clearly define levels of contribution, or degrees of social responsibility. However, the argument that "the moderately rich should . . . give . . . like us" (lines 4–5) implies that members of both groups should give equally, and, presumably, that this can be achieved by maintaining a system of voluntary contributions. In reply to this, the moderately rich propose a formula to determine the levels of contribution, and demand larger contributions from the very wealthy.

The presentation of this dispute in the context of these two issues is significant. It appears as if the positions of the two sides on each issue are mutually exclusive. However, a ruling that seeks to achieve a compromise, or create a consensus, could accommodate, or appear to accommodate, each side in relation to one of the issues. For example, in a case like this, a determination to create a communal mechanism for the administration of welfare would favor the position of the moderately rich (in relation to collection and distribution). At the same time, a decision allowing the new institution to collect contributions only on an entirely voluntary basis would probably accommodate the very wealthy members of the community (on the issue of social responsibility). Another kind of accommodation would, perhaps, entail the negotiation of acceptable levels of compulsory contribution by both parties. Thus, a ruling endorsing the opinion expressed by the composer of the question (lines 8–10) that welfare contributions should correlate to the donors' wealth, effectively requiring central administration and enforcement, would represent a victory for the moderately wealthy, and a comprehensive rejection of the position of their rivals. The mere fact that the dispatch of the question is deemed necessary may suggest that the very wealthy would not accept a local decision against them, and that the community requires a more authoritative ruling to settle the dispute. In other words, Rashba is not only called upon to make a substantive ruling concerning this dispute, but also to express support for, or disapproval of, the position expressed in the question.

THE RESPONSE

Rashba's response addresses the question with conviction and clarity. Like the question, the response is direct, concise, and carefully constructed. It may be divided into three main parts, and concerns different aspects of the administration of charity: The opening (lines 11–18) and closing (lines 32–36) both relate to the general themes of collection and social responsibility, and contain the substance of Rashba's ruling. The central section focuses on distribution.

The opening and closing sections of the response are divided into two corresponding sub-sections. Each of the sub-sections of the opening and closing focuses on a central theme. The first phrases in the opening and closing (underlined below, lines 11–14 ending at "the camel," and 32–35, starting at "However, the generation" and ending at "according to money") address the issues of compulsion

and the mode of collection. The following sub-sections in both the opening and the closing (italicized below, lines 15–18, and 35–36 respectively) seem to emphasize the voluntary aspect of giving. While there are clear parallels between the opening and closing sections of the response, there are also important differences between them. The opening of the response contains Rashba's *ratio decidendi* and refers the reader to talmudic sources. The closing phrases of the text complement the opening, but contain little legal substance, and no citations or references.

Rashba starts out by expressing support for the position of the moderately wealthy, and endorsing the opinion of the composer of the question. He reiterates this position towards the end of the document. Thus, Rashba follows the established *halakhah* concerning coercion with respect to charity.[27] The second sub-section in the opening begins with the statement that "[the key to] management of money is [the performance of acts of] compassion," implying that the interests of the very wealthy would be served best by voluntary donations beyond the requirements of the charity fund. Similarly, the second sub-section in the closing describes the appropriate function of donations at the doorsteps, mentioned in the context of the argument of the very wealthy (line 3), and, again, raises the possibility of voluntary gifts. Rashba's choice of words reinforces the distinction between the compulsory and voluntary aspects of welfare. The opening phrases of the response and the first sub-section of the conclusion both address the issue of sustenance (in Hebrew: פרנסה, lines 12, 34) which is associated with charity (צדקה, lines 11, 13, 34). In contradistinction, the second sub-section of the opening introduces the notion of compassion (חסד, line 15), and reflects the need to do more than just give the appropriate amounts for charity. The corresponding phrase ending the responsum again focuses on contributions exceeding the compulsory donations to the collective fund. The following may highlight the parallels between the components of the opening and closing sections of the response:

> THE LINE OF THE LAW IS ACCORDING TO THE [ARGUMENT OF] THE MODERATELY RICH, THAT *CHARITY* AND THE [BURDEN OF] *SUSTAINING* THE POOR IS [DISTRIBUTED] ON THE BASIS OF MONEY, AND IT IS LIKE THAT CASE WHERE RAVA COERCED RAV AMI AND EXTRACTED FROM HIM FOUR HUNDRED *zuzim* FOR *CHARITY*, AND THE SCAB [FROM THE WEIGHT OF THE LOAD] ON THE CAMEL'S BACK IS PROPORTIONAL TO [THE SIZE OF] THE CAMEL, *and [the key to] management of money is [the performance of acts of]* compassion. *And it has already been said in b. Ketubbot, chapter 6, regarding Nakdimon ben-Gurion that in spite of the fact that he performed charity a great deal, his money dissipated because he did not do it appropriately.*

27 See above, n. 6.

However, this generation has become impoverished, and there is no wealth, either in the pocket or in the mind, AND IN ANY EVENT, EVERYWHERE [IT IS THE PRACTICE THAT] WE *SUSTAIN* [THE POOR] FROM THE COLLECTION BOX [I.E. FROM A COLLECTIVE FUND] AND ACCORDING TO [THE EXTENT OF ONE'S] MONEY, *and if they [the poor] should afterwards collect at the doors, they may do so, and all should give according to their judgement and will.*

The central section of Rashba's response is divided into three parts. It contains an opening (lines 18–22, ending at "by way of a loan,") and a closing (lines 30–32, starting at "as it is said" and ending with "as we see there,") that illustrate the extent to which one must try to offer sustenance to the poor and explain the rationale for this requirement. The central and more elaborate sub-section (lines 22–30) focuses on the need to provide for the poor on the basis of their previous life-styles and social backgrounds. The entire section highlights the need for a central, organized distribution mechanism for charity.

Following a general statement of principle, Rashba points out that there may be needy people who would not wish to receive charity (lines 19–22). Needless to elaborate, their needs would not be met where charity is not administered centrally, but Jewish law requires that they be supported. The extent to which one should try to coax, even trick, such people into receiving sustenance, or to which one must try to give charity, may be explained by the desire to imitate the divine, and to fulfill God's will, as Rava ultimately discovers.[28] To achieve this, one must offer support to the needy on the basis of status, or dignity.[29] It is for this reason that Rashba chooses to record his disapproval of the distribution method that is preferred by the very wealthy. Not only would the existing mechanism not ensure particularly dignified treatment for those who should receive it, but it would also fail to guarantee their appropriate levels of income support. Further, as Rashba illustrates, this is not just a communal obligation, but also a matter of personal responsibility. Assuming that this responsum was produced at a period of economic decline, it may be argued that Rashba's emphasis of this point reflects strong support for the position of the middle classes. Their statement that the poor "are our brothers and [of] our flesh" (line 7) may reflect an economic reality; it is possible that this statement emphasizes the plight of members of the middle class (or of good families) that decline into poverty. If this is the case, then Rashba's insistence on the need to provide for people on the basis of status caters to the sensitivities of those who have the interests of their peers, or relatives, in mind and who experience financial insecurity themselves.

28 See *b.Ketub.* 67b.

29 In Hebrew: כבוד.

Rashba's Reference to Nakdimon ben Gurion

Rashba's reference to Nakdimon ben Gurion (lines 16–17) is a unique[30] and interesting characteristic of this text. The mention of ben Gurion's name occurs in the context of an account featuring Nakdimon's daughter and Rabban Yoḥanan ben Zakkai. The expressions "the scab [from the weight of the load] on the camel's back is proportional to [the size of] the camel" (lines 13–14) and "[the key to] management of money is [the performance of acts of] compassion" (line 15) are both associated with this talmudic story. Rashba's perception of and reference to the narrative and the character of Nakdimon ben Gurion are thus particularly significant to our understanding of his ruling.

According to Rashba's source[31] ben Zakkai, on his way from Jerusalem, encounters a woman who is collecting grain out of the excrement of animals owned by Arabs, who asks him to sustain[32] her. The woman identifies herself as the daughter of Nakdimon ben Gurion. When ben Zakkai asks about her father's wealth, she replies with the proverb that the key to management of money is diminution, or compassion.[33] She continues to explain that her father-in-law's wealth has also disappeared, and reminds ben Zakkai that he is a witness signatory to her *ketubbah*. In the course of the story, ben Zakkai is reminded that her *ketubbah* document mentions the sum of a million golden *dinarii* received from her father. Ben Zakkai weeps and says that when Israel fulfill God's will they are blessed, and no nation can control them. However, when Israel do not, then the Almighty delivers them to the hands of other nations, even to the hands of their animals. Following this narrative (on the basis of the statement made by ben Gurion's daughter concerning her father's wealth), the *gemara* raises the issue of ben Gurion's charitable contributions. It relates that he would have garments spread before him on the street as he walked between his home and the house of study, and that these would be left for the poor to collect. It concludes that his charity is either motivated by self-glorification, or not done appropriately.

The main message of this story is that ben Gurion's failure to give charity properly is the cause of his daughter's downfall, but this is more than just a story involving one individual or family. To ben Zakkai, ben Gurion's daughter represents the entire nation of Israel. This point is echoed by R. Elazar b. R. Zadok

30 I have not found any other references to Nakdimon b. Gurion in any other Rashba responsum.

31 *B. Ketub.* 66b–67a. This narrative exists in a number of versions. For a recent discussion of the story's Talmudic sources and a review of the scholarly literature see R. Bauckham, "Nicodemus and the Gurion Family," *Journal of Theological Studies*, n.s., 47, part 1 (April, 1996) 1–37, at 10–11.

32 In Hebrew: פרנסני.

33 The account offers these two variants in the reply of ben Gurion's daughter. The Hebrew diminution, חסר, *ḥesser*, and compassion, חסד, *ḥessed*, may be easily confused. The talmudic text exploits the similarity between these words.

who tells a similar story involving the same daughter of ben Gurion. The verse that R. Elazar cites upon seeing her relates to a fair woman who is traditionally understood to represent the Jewish nation.[34] In these stories, the failures of ben Gurion represent the errors that lead to the destruction and humiliation that befall the Jews during the time of Rabban Yoḥanan ben Zakkai and R. Elazar. As far as ben Zakkai is concerned, ben Gurion's daughter – and, by extension the Jewish people – is not a victim of historical circumstance, but is paying the price for her wealthy father's failings.

The association of Nakdimon ben Gurion's name with improper practices of charity may be attributed to the creativity of talmudic redactors.[35] However, to the medieval scholar and *posek*, this accusation would require an entirely different explanation, let alone the implication that ben Gurion is somehow responsible for such catastrophes as the destruction of the Temple in Jerusalem and the loss of Jewish sovereignty. According to another talmudic passage,[36] ben Gurion is one of three wealthy and generous men in Jerusalem who offer to sustain the city throughout three years of Roman siege. Yet another tradition reveals the same kind of concern for the welfare of others.[37] According to this elaborate narrative, Nakdimon purchases drinking water for pilgrims in Jerusalem, brings about rain through determination and prayer following a year of drought, and causes the sun to reappear on his behalf. Following this story Nakdimon is said to be one of only three men for whom the sun appears, and is counted among Moses and Joshua.[38] In light of these very positive accounts, the damaging characterization[39] of Nakdimon ben Gurion, repeated by Rashba, seems inconsistent and difficult to explain. On the contrary, the profile that emerges is of an unusually wealthy, generous, man.

34 See *b.Ketub.* 67a. According to this account, R. Elazar encounters Ben Gurion's daughter near Acre, and cites Song of Songs 1:8 in a slightly altered form: "If you do not know, O fairest of women, go follow the tracks of the sheep, and feed your kids . . ." (1999 JPS translation, substituting "feed" for "graze"). R. Elazar's variation entails the replacement of one Hebrew letter (in Hebrew: גויותיך instead of גדיותיך). During Rashba's period, the "fairest among women" is often understood to represent the nation of Israel. See, for example, R. Abba Mari's *Sefer Minḥat Kenaot*, 3 (in Dimitrovsky, ed., *T'shuvot ha'Rashba* [2 vols.; Jerusalem: Mossad Harav Kook, 1990] part 1, 1:234–35, lines 32–37.

35 Bauckham, *Nicodemus*, 12–13 dismisses this tradition explaining that "the idea that Nakdimon did not practice charity originated purely from the requirements of the story in [*b.Ketub.* 66b–67a]." On the contrary, he argues, "Nakdimon was remembered not only for his immense wealth but for correspondingly generous charity."

36 See *b.Giṭ.* 56a.

37 See *b.Taʿan.* 19b–20a.

38 See *b.Taʿan.* 20a.

39 In *b.Ketub.* 66b–67a discussed above.

However, according to a talmudic tradition,[40] ben Gurion acquired the name Nakdimon only after the sun appeared on his behalf. His original name was Buni (or Bunai).[41] This name is one of five that are attributed to disciples of Jesus in a passage that is censored out of the Talmud.[42] Like other medieval scholars, Rashba would certainly identify the names Buni and Nakdimon appearing in various talmudic passages with a single character. Commenting on the mention of Nakdimon ben Gurion at the beginning of the pericope wherein the names Nakdimon and Buni are associated, Rashi adds that "he was a very wealthy person."[43] Nakdimon's wealth is not explicitly described in the passage that Rashi comments on. Arguably, Rashi draws upon information presented in other (talmudic) traditions relating to Nakdimon, revealing that he associates various accounts with the same character. Rashba would probably do the same.

Rashba would also be sensitive to the connection between Buni and Jesus. The section of talmudic text that exposes the relationship between the two is eventually censored, and is referred to in an exchange between Nicholas Donin and R. Yehiel in the disputation, or trial, of the Talmud, held in Paris in 1242. According to the Hebrew account of the trial,[44] following an attempt to portray talmudic law as entirely unreasonable, or absurd, Donin charges that the Talmud contains offensive information relating to Jesus and Mary.[45] One of the arguments advanced (and repeated) is that Jesus is subjected to punishment in boiling excrement. R. Yeḥiel's strategy in responding to such accusations entails an explanation that the passages cited by Donin relate to other characters named Jesus. However, when Donin cites the passage describing the failed attempt to gather evidence in Jesus' favor, and his subsequent execution,[46] R. Yeḥiel concedes that that passage addresses the Christian Jesus.[47] Immediately following the description of Jesus' killing, the Talmud cites a *Baraita* that identifies

40 See *b. Taʿan.* 20a.

41 In Hebrew: בוני.

42 See S. Rabinowicz, *Sefer Dikdukei Sofrim, Sanhedrin* 43a starting at: ת"ר חמשה תלמידים היו לו לישו. According to Rashba's own testimony, his library contains valuable Babylonian manuscripts of the Talmud (see, for example, his Responsa, 6:57). This is generally acknowledged by scholars (most recently by Assis, *Golden Age*, 331). There is, therefore, little doubt that Rashba has access to this information.

43 See Rashi on *b. Taʿan.* 19b.

44 The Hebrew report of the trial is known as the "*Vikuach Rabbenu Yehiel miParis*," published by Z. Gruenbaum, Thorn, 1873, and again by R. Margulies, Lvov. For a detailed description of the "*Vikuach*" and a comparison with the Barcelona disputation, see R. Chazan, "The Hebrew Report on the Trial of the Talmud: Information and Consolation" in G. Dahan ed., *Le brûlement du Talmud a Paris* (Paris: les editions du cerf, 1999) 79–93, particularly 85, 88–90.

45 The "*Vikuach*," ed. Gruenbaum, 4–6, ed. Margulies, 15–17.

46 In *b. Sanh.* 43a.

47 According to R. Yeḥiel, this is the only talmudic passage that refers to the Christian Jesus.

Jesus' students (including Buni), and justifies their execution. In other words, by the time Rashba composes the text under examination, the association between the Christian Jesus and Buni-Nakdimon is difficult to challenge. Nor is it of incidental significance in Catalonia: Following the Disputation of Barcelona in 1263, during Rashba's tenure in Barcelona, the Crown of Aragon orders the purging of Jewish books of blasphemies directed against Jesus Christ and his mother.[48] Pablo Christiani, Nahmanides' rival in the Barcelona Disputation, is among those responsible for overseeing the censorship process.[49]

The association between Buni-Nakdimon and Jesus is further reinforced by numerous references to Nicodemus in the Gospel of John. As Bauckham points out,[50] Nicodemus is identified there as a member of the ruling Jewish élite,[51] a rabbi,[52] a very wealthy and generous man,[53] and a sympathizer of Jesus.[54] Given the remarkable similarities in the depictions of Nakdimon in the Talmud and of Nicodemus in the Fourth Gospel (let alone the correspondence between their names), there can be little doubt that Rashba is in a position to establish the link between the two characters.

Rashba, who is well versed in Christian literature, would probably also learn of Nicodemus from other sources. From the twelfth century onwards, the Passion and story of Joseph of Arimathea (also known as the "Acts of Pilate") and Christ's Descent into Hell[55] are circulated in vernacular translations throughout Europe. These are identified as the "Gospel of Nicodemus."[56] The apocryphon and related narratives feature Nicodemus prominently, as Joseph of Arimathea's associate,[57] as the composer of the original account in Hebrew,[58] and occasionally as Gamaliel's nephew.[59] The stories are widely disseminated, and influence various forms of religious and secular literature significantly. Fragments of vernacular translations are scattered in homilies, devotional tracts, didactic narratives,

48 See J. Régné, *History of the Jews in Aragon, Regesta and Documents 1213–1327* (Jerusalem: Magnes Press, 1978) 41 n. 216, 47 n. 249.

49 See also Assis, *Golden Age*, 58.

50 Bauckham, "*Nicodemus*," 28–29.

51 See John, 3:1, 7:26,48; 12:42.

52 See John 3:10.

53 See John 19:39 where Nicodemus is reported to bring one hundred pounds of myrrh and aloe to Joseph of Arimathea who removes Jesus' body.

54 See particularly John 7:50–51; 19:39.

55 Or "*Gesta Pilati*." See Constantino de Tischendorf, ed., *Evangelia Apocrypha* (2nd rev. ed.; Leipzig: H. Mendelssohn, 1876) 333–432.

56 See Z. Izydorczyk, ed., *The Medieval Gospel of Nicodemus: Texts, Intertexts, and Contexts in Western Europe, Medieval & Renaissance Texts & Studies* (Arizona: Temple, 1997) 1–3.

57 See Izydorczyk, *Gospel of Nicodemus*, 6.

58 Particularly in the Greek and earliest Latin versions, See Izydorczyk, *Gospel of Nicodemus*, 28.

59 See, for example, J. Izquierdo, "The Gospel of Nicodemus in Medieval Catalan and Occitan Cultures," in Izydorczyk, *Gospel of Nicodemus*, 149.

chronicles, and drama.[60] During Rashba's lifetime, segments of the *Descent* are demonstrably echoed in Dante Alighieri's *Divina Comedia*,[61] and passages of the story of Joseph of Arimathea are credited with having "shaped the evolution of the literature of the Grail"[62] in France. Interestingly, Izquierdo's study features Catalan manuscripts dated to Rashba's period (the late thirteenth and fouteenth centuries) and proposes that their composers have access to an earlier, complete text.[63] In other words, the Gospel of Nicodemus spreads and evolves during the twelfth and thirteenth centuries, and captures Europe's imagination. It is also known and translated in Catalonia during Rashba's life. Under these circumstances, it is likely that Rashba is aware of Nicodemus, and associates him with Nakdimon. Further, if the stories and images of the Gospel of Nicodemus are so popular, the possibility that other Jews, including Rashba's correspondent, are familiar with the character cannot be summarily discarded.

The Substance of Rashba's Message

We may now consider Rashba's purpose in citing the example of Nakdimon ben Gurion. As explained above, the references to ben Gurion occur in the context of his validation of coercion in relation to charity, and the attempt to encourage additional voluntary donations. Both the mention of his name and the context imply severe criticism of the magnates of the community. Nakdimon's name is associated with both the collapse of Jewish sovereignty and sympathy towards Christian teachings, in Jewish and non-Jewish sources. In short, he is identified with disaster and betrayal. Rashba's indirect reference to the terrible consequences of disobedience, or failure to perform charity appropriately, may be understood as a warning against active resistance to, or refusal to comply with, the new communal policy.[64] Both the wording and editing of the text express criticism of the position of the very wealthy, and seem to cast doubt on their loyalty to the community and commitment to the Jewish tradition.

Rashba's description of ben Gurion's improper charity is revealing. The reason for Nakdimon's ruin is that "in spite of the fact that he performed charity a great deal . . . he did not do it appropriately" (lines 16–18). The apodosis occurs in the *gemara*, following the narrative involving Nakdimon's daughter.[65] There, however, it is presented in a different context. The Talmud seeks to reconcile a

60 See Izydorczyk, *Gospel of Nicodemus*, 16–18.

61 In the *Inferno* 4 (vv. 55–63). See A. Ianucci's "The Gospel of Nicodemus in Medieval Italian Literature: A preliminary Assessment," in Izydorczyk, *Gospel of Nicodemus*, 187–88.

62 See R. O'Gorman's "The Gospel of Nicodemus in the Vernacular Literature of Medieval France," in Izydorczyk, *Gospel of Nicodemus*, 120, and for a full discussion, see 120–24.

63 See Izquierdo, "The Gospel of Nicodemus in Medieval Catalan and Occitan Cultures," 146–47.

64 Rashba may be responding to a need, or concern expressed in the question. See above on p. 6.

65 See *b.Ketub.* 67a.

statement criticizing ben Gurion with a teaching that indicates generosity on his part.[66] The challenge is introduced by the question: "Did not Nakdimon ben Gurion perform works of charity?"[67] The Talmud offers two alternative replies. One proposes that ben Gurion's performance of charity was motivated by self-interest, or self-glorification. The other suggests that while he gave, he did not do so appropriately because his donations did not amount to a sufficiently large proportion of his wealth. The *gemara* associates the latter explanation with the expression that the scab on the camel's back is proportional to the weight of its load. In short, the talmudic statement that ben Gurion did not give charity appropriately reflects the view that he did not do enough.

Rashba does not address the issue of self-glorification, nor does he deny ben Gurion's generosity or repeat the talmudic accusation that he did not contribute his share. He quotes the saying relating to the scab on the camel's back in specific connection with the issue of coercion, to reinforce the ruling of Rava against Rav Ami (lines 12–14).[68] The citation of ben Gurion's name only emphasizes the need for additional voluntary donations. In further contrast to the talmudic text, Rashba's ruling presents Nakdimon as someone "who performed charity a great deal."[69] The implication is not that Nakdimon's motivation disqualified his charitable gifts, nor that he failed to donate the correct sums. The inappropriate nature of his charity is not clearly identified or explained.

The key to understanding Rashba's perception of Nakdimon's failure and the operative content of the ruling lies in the structure of the text. Rashba juxtaposes ben Gurion with the group of very wealthy members of the community. As explained above, the last phrase of the responsum (lines 35–36) parallels Rashba's call to perform acts of compassion, beyond the requirements of the communal fund (lines 15–18). His determination that gifts that are made at the doorsteps do not constitute charity, and should be regarded as voluntary supplements, reveals the magnates' error. Arguably, Rashba holds that the very wealthy confuse voluntary gifts, or acts of compassion, with charity. The statement that "this generation has become impoverished, and there is no wealth, either in the pocket or in the mind" (lines 32–33) reinforces the sense that this dispute is a consequence of ignorance and misunderstanding. The mention of ben Gurion's failure to perform charity properly in the context of an attempt to encourage acts of benevolence suggests that he operated under the same mistake. Rashba may also imply that Nakdimon suffered from a lack of learning that, ultimately, led to betrayal and catastrophe. Whether Rashba identifies Nakdimon ben

66 See *b.Ketub.* 66b.

67 See *b.Ketub.* 66b.

68 See *b.Ketub.* 49b.

69 In Hebrew: שהיה עושה צדקה הרבה. The word הרבה — "a great deal" — is not used in the talmudic discussion to describe Nakdimon's charity.

Gurion with Nicodemus or not, his mention of Nakdimon represents a warning to the most wealthy members of the community, and probably offers a critical Jewish view of one of the prominent Jewish sympathizers of Jesus. If he does identify the two characters, his use of Nakdimon may also amount to a veiled polemical reaction to stories involving an increasingly popular character in the Christian world.

While Rashba produces a series of precedents and arguments in support of the position of the moderately wealthy, he also cites standard practice throughout the region. The statement that "everywhere [it is the practice that] we sustain [the poor] from the collection box" (lines 33–34) suggests that the issues addressed in this responsum are largely resolved. However, Rashba's statement in this regard does not correspond to Assis' assessment of the situation in Aragon at the time.[70] It is worth noting that historians occasionally reveal discrepancies between the reconstructions that emerge from various historical sources and rabbinical formulations in the responsa.[71]

Conclusion

A close reading of Rashba's responsum 3:380, reveals significant aspects of his general approach to charity, communal institutions, and the duty of allegiance to the community. Rashba's ruling indicates that he considers centrally administered charity to be fundamentally important to Jewish communal life. It also reflects disapproval of the position of the very wealthy who oppose such a scheme. Rashba's reservations and criticisms are expressed both directly and explicitly, and implicitly through the use of references. They are also reflected in the editing and structure of the text. As this essay demonstrates, a basic analysis of the ruling's structure highlights Rashba's message and elucidates his determined approach to the dispute.

Rashba's juxtaposition of a group of very wealthy Jews with Nakdimon ben Gurion is particularly harsh, assuming that he identifies Buni (or Bunai)-Nakdimon as a disciple of Jesus. Nakdimon's mention not only serves as a reminder that it is in their best interest to perform charity properly, it may also be understood as a stern warning against continued opposition to a communal welfare scheme and betrayal of the tradition. Further, both Rashba and his correspondent may be exposed to oral and written references to Nicodemus,

70 See above, n. 11.

71 See, for example, Assis, "The Ban of R. Gershom and Bigamous Marriages in Spain," (Heb.), *Zion*, 46:3 (1981) 251–77 particularly at 260–61. There, the issue is the frequency and extent of bigamy among the Jews during the thirteenth and fourteenth centuries. Concerning Rashba's statement to the effect that such unions are very rare (in responsum 1:1205), Assis comments that Rashba tends to understate the facts (ניכרת אצלו נימה של המעטה, 260). He proceeds to argue that Rashba's strong position against the practice does not lead to any noticeable decrease in cases of bigamy.

whom they would probably associate with Nakdimon. In other words, it is possible that Rashba's mention of Nakdimon reflects his views on this increasingly popular character in the Christian world. This possibility highlights the value of examining any potential influences of popular Christian traditions on the halakhic writings of Rashba. Also, given the discrepancy between Rashba's statement and Assis' conclusions, it seems that the reliability, purpose, and impact of Rashba's statement on general practice in relation to this and other controversial issues may benefit from further examination. Further study of general descriptive statements made by Rashba, increased sensitivity to the rhetorical structures of his compositions, and careful attempts to trace possible non-Jewish influences in his writings may lead to a greater appreciation of his creative genius.

In loving memory of Haim H. Cohn, ז״ל.

An Early Karaite Commentary on the Book of Esther

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We herein present an edition and translation of the commentary on Esther, extant only up to 3:4, contained on folios 61r–64v of MS II Firkovitch Hebrew-Arabic I 1755, a Karaite commentary on the Hagiographa which is itself only partially extant. The author/compiler of this work, based on internal evidence, would appear to have been a member of the school of Abū Yaʿqūb Yūsuf ibn Nūḥ, whose *nukat* (short notes) on Lamentations are included on folios 58r–61r. In comparing the commentary on Esther to those of Yefet ben ʿEli and Salmon ben Yeroḥam — the only other Jerusalem Karaites for whom such works are identifiably extant — we find that our author has drawn largely, in abridged fashion, from both (or perhaps even from previous abridgments). Not surprisingly, several congruencies are also to be noted between our text and the more literal strands of rabbinic exegesis, many of them apparently mediated from the Rabbanite direction via Yefet, whose dependence upon targumic and midrashic sources, as well as the commentaries of Saadia, has been noted in previous studies.

Founded in the latter half of the ninth century by emigrant sectarians from Persia and other areas of the Abbasid Caliphate, the Karaite settlement in Jerusalem[1] spawned, over the following two centuries, a renaissance of scholarship and literary productivity which in recent times has only begun to be investigated. Indeed, in addition to the many known works deriving from this community and contained in the collections of various libraries throughout Western Europe and America — encompassing *tarājim* (translations of the Bible into Arabic), commentaries, grammars, lexicons, and law codes — a tantalizing abundance of unstudied, not to mention unpublished, manuscripts are to be found in the Firkovitch collections of the Russian National Library in St. Petersburg.[2] It is, accordingly, from

1 Regarding the origins of this settlement cf., *inter alia*, J. Mann, *Texts and Studies in Jewish History and Literature*, vol. 2: *Karaitica* (Philadelphia: Jewish Publication Society, 1935) 3–8, and M. Gil, *A History of Palestine, 634–1099*, trans. E. Broido (Cambridge, Eng.: Cambridge Univ. Press, 1992) 617–22.

2 On the background of both this collection, which also includes Samaritan material, as well as the other two Firkovitch collections, see T. Harviainen, "Karaite Arabic Transcriptions of Hebrew in the Saltykov-Shchedrin Public Library in St. Petersburg," in E. Fernández Tejero and M.T. Ortega Monasterio, eds., *Estudios Masoréticos* (X Congreso de la IOMS) (En memoria de Harry M. Orlinsky) (Madrid: Instituto de Filología CSIC, Departamento de Filología Bíblica y de Oriente Antiguo, 1993) 66–67, and Harviainen's other articles cited by G. Khan, *The Early Karaite Tradition of Hebrew Grammatical Thought, Including a Critical Edition, Translation and Analysis of the Diqduq of Abū Yaʿqūb Yūsuf ibn Nūḥ on the Hagiographa*, SSLL 32 (Leiden: Brill, 2000) 1, n. 1. For preliminary catalogues of these collections see Harviainen, "Transcriptions," 66, n. 11.

the second of these collections that we present herein an edition and translation of an early Karaite commentary on Esther, a work which, although fragmentary, is of no little interest to the student of Judaic exegetical thought, both for its early Jerusalemite provenance (most likely the school of Yūsuf ibn Nūḥ, on which see below) as well as its dominant *peshaṭ* approach — a method which, along with its attendant disparagement (though not necessarily complete rejection)[3] of the Oral Law and midrashic tradition, has come to characterize the Karaite-Rabbanite disparity. In publishing this text, therefore, we have sought to offer both a small, albeit unique contribution to the vast breadth of available exegetical sources on Esther (a book which has occupied the present author's interest for quite some time) as well as a precursor to eventual editions of the more extensive commentaries on Esther composed by the two (Jerusalem) Karaite exegetes par excellence, Yefet ben ᶜEli and Salmon ben Yeroḥam (see nn. 24 and 25 below).

THE MANUSCRIPT

The commentary, written in Judaeo-Arabic, is found in MS II Firkovitch Hebrew-Arabic I 1755, fols. 61r–64v, and, like the manuscript itself, is only partially extant, progressing only to 3:4, with folio 65r picking up at the end of a comment on Ecclesiates 1:10. Originally, the MS, written in a square Eastern (perhaps Egyptian) hand, probably of the 14th or 15th century,[4] must have been more than double its present size of 92 folios, containing a complete commentary on the Hagiographa, and perhaps representing the final volume of a complete commentary set on the Scriptures;[5] of the extant remains, however, the following outline may be given:

1r–10v Proverbs (*1r–4v*: 16:1 [*1v*]–24:29; *5r–8v*: 2:1 [*5v*]–6:5; *9r–9v*: 12:3–24; *10r–10v*: 26:23–27:20)[6]

11r–30v Job (*11r–11v*: 27:11–28:11; *12r–12v*: 34:6–31; *13r–21v*: 15:4–24:18;

3 Cf. Khan, *Tradition*, 3–4 and, specifically, the examples of Yefet's dependence upon Rabbinic exegesis noted by P. Birnbaum, ed., *The Arabic Commentary of Yefet ben ᶜAli the Karaite on the Book of Hosea, Edited from Eight Manuscripts and Provided with a Critical Notes and an Introduction* (Philadelphia: The Dropsie College for Hebrew and Cognate Learning, 1942) xi–xxiii, as well as our discussion below on Exegesis.

4 My thanks to Professor Geoffrey Khan of Cambridge University for his suggestions regarding the paleography and dating of the MS.

5 Which, following the possibility that Yeshuᶜah ben Yehudah was the author (cf. below), would accord well with the statement of Simḥah Isaac Luzki, cited in n. 20 below, that he wrote commentaries on all three divisions of the canon.

6 Following this identification, fols. 1–4 should be reordered between fols. 9 and 10.

22v–29v: 36:15–40:6; *30r–30v*: 24:18–26:5).[7] Salmon (ben Yeroḥam) is quoted on fols. 11v (text and marg.), 12r, 12v, 13r, 13v (*bis*), 16v, 17v (*bis*), 18r, 19r, 22r (*bis*), 24r, 25r, 26v, 30r (*bis*).

31r–32r Ruth (3:10–end)

32v–39v "Short notes (*nukat*) on Song of Songs, from the words(?) of the elder with whom God is well-pleased" (*32v–38v*: 1:1–5:2; *39r–39v*:[8] 6:11–7:3)

40r–47v Another commentary (apparently also *nukat*) on Song of Songs (*40r–40v*: 1:16–2:17; *41r–42v*: 4:8–5:16; *43r–43v*:[9] 6:8–7:3; *44r–44v*: 6:1–10; *45r–45v*:[10] 2:17–4:8; *46r–47v*: 7:13–end)

48r–58r Lamentations (*48r–56v*: 1:14–5:1; *57r–58r*: 5:10–end)

58r–61r "Short notes (*nukat*) on Lamentations by Abū Yaʿqūb Yūsuf ben Nūḥ, may his rest be in Eden" (complete)

61r–64v Esther (1:1–3:4)

65r–92v Ecclesiastes (*65r–65v*: 1:11–13; *66r–66v*: 4:10–14; *67r–67v*: 4:3–9; *68r–75v*: 4:15–7:9; *76r–83v*: 1:17–4:3; *84r–84v*: 9:16–10:4; *85r–85v*: 7:11–15; *86r–86v*: 9:12–16; *87r–87v*: 10:4–12; *88r–91v*: 10:20–12:4; *92r–92v*: 12:8–14 [incomplete])[11]

Considering, moreover, the rather disordered state of the MS, we would provisionally[12] suggest, following the ordering of books otherwise attested by the early Jerusalem Karaites Yūsuf ibn Nūḥ and Yefet ben ʿEli (to which general circle we have assigned our MS; cf. below), that Proverbs was originally preceded by Job[13] and, following the chronology of Solomonic authorship, Song of Songs was followed by Ecclesiastes.[14]

7 Following this identification, the folios in this section should be reordered as follows: 13–21, 30, 11, 12, 22–29.

8 This folio should be placed after folio 44 of the following commentary.

9 This folio should be placed after folio 38 of the preceding commentary.

10 This folio clearly belongs between fols. 40 and 41.

11 Following this identification, the folios in this section should be reordered as follows: 65, 76–83, 67, 66, 68–75, 85, 86, 84, 87, 88–91, 92.

12 Our access to the MS has been through microfilm photocopies supplied by the Institute for Microfilmed Hebrew Manuscripts in Jerusalem.

13 This suggestion is further supported by congruence in the damage pattern to the outer edges of fols. 1–10 and 30.

14 Khan, *Tradition*, 358–493; E. L. Marwick, "The Order of the Books in Yefet's Bible Codex," *JQR* 33 (1942–43) 455–59.

Regarding orthographic conventions, a diacritical point is regularly employed over ג (ג), צ, and ט, although in our transcription we have further supplied this point over the other three letters (viz., ת, כ, ד) in order to facilitate reading. *Waw* is, on several occasions, employed to indicate the (classical) short *u* of the Form I passive,[15] whereas *alef* is often omitted as a marker of accusative *tanwīn*, though regularly supplied by a later hand. Punctuation is, for the most part, indicated by greater spacing between words, although in a few instances, mainly before or after biblical citations, *neqūddōt* are used — which also, following the spacing in the MS, we have employed throughout our transcription. Arabic vowels, final *hamza*, *šadda*, and the two diacritical points of *tā marbūṭa* have also been intermittently added throughout the text, apparently by a later hand, though we have retained these only in cases of questionable vocalization (*šadda*, however, we have retained in every instance).

AUTHORSHIP AND DATE

It has been suggested that this commentary on the Hagiographa was authored by Abū Yaʿqūb Yūsuf ibn Nūḥ,[16] a leading figure among the Karaites of Jerusalem during the latter half of the 10th century.[17] This identification is made on the basis of the following statement, which is taken to be a colophon, occurring after the first commentary on Lamentations (fol. 58r): נכת איכה לאבי יעקוב יוסף בן נח נֹעֵ "Short notes on Lamentations by Abū Yaʿqūb Yūsuf ben Nūḥ, may his rest be in Eden." We find this statement of attribution unconvincing, however, as proof of Ibn Nūḥ's authorship of the entire work, for the reference to "short notes" (*nukat*) is hardly reconcilable with the rather lengthy comments devoted to individual verses in the preceding commentary. More likely, this statement was intended to preface the following, substantially briefer commentary on Lamentations (fols. 58r–61r), which, unlike the previous, treats only selected words or phrases with short explanations or glosses. It is, moreover, unclear that Ibn Nūḥ is the one intended by the attribution given to the first commentary on Song of Songs (fol. 32v): נכת שיר השירים מן כלאם(?) אלשיך רצי אללה ענה "Short notes on Song of Songs from the words(?) of the elder with whom God is well-pleased." In any case, it would seem a more reasonable proposition that this MS represents the predominantly compilatory-abridging work of one of Ibn

15 Cf. J. Blau, דקדוק הערבית-היהודית של ימי-הביניים (2d ed.; Jerusalem: Magnes, 1980) §8ד.

16 So Khan, *Tradition*, 6.

17 Our primary source of biographical information regarding Ibn Nūḥ is the Chronicle of al-Hītī (G. Margoliouth, ed., "Ibn al-Hītī's Arabic Chronicle of Karaite Doctors," *JQR*, o.s. 9 [1897] 438–40). Those of his works which have been identified include a grammatical commentary on the Hagiographa, a substantial portion of which has been edited (with English translation) by Khan, *Tradition*, 160–527 (cf. also the discussion of Ibn Nūḥ in his introduction, 5–7), a rather lengthy commentary on the Pentateuch contained in an abridgement by his pupil Abū ʾl-Faraj Hārūn ben al-Faraj (MS II Firk. Heb. Arab. I 1754), and the *nukat* on Lamentations contained in our MS.

Nūḥ's students, perhaps either Abū ʾl-Faraj Hārūn ben al-Faraj or Abū Yaʿqūb Yūsuf al-Baṣīr,[18] if not in fact their own student, Yeshuʿah ben Yehudah (Abū ʾl-Faraj Furqān ibn Asad);[19] who is specifically indicated by Simḥah Isaac Luzki in his Chronicle of Karaite Literature to have authored a commentary on the Hagiographa.[20] Even more likely, perhaps, is ʿAli (Abū ʾl-Ḥasan) ben Sulaymān al-Muqaddasī, whose known works are all compilations and/or abridgements of the works (some of them also abridgements) of previous Jerusalem Karaites.[21]

The date of origination of the work, notwithstanding the identification of its author, may be reasonably located within the eleventh century, taking the death of Ibn Nūḥ (as implied by the eulogism נ"ע in the attribution cited above) as the *terminus a quo* and the destruction of the Karaite community in Jerusalem by the Crusaders in 1099 as the *terminus ad quem*. The possibility cannot be excluded, however, that the commentary on Esther — as any other commentary in the MS — was not in fact anonymously borrowed from an earlier exegete, although the extant attributions at the head of the two other commentaries for which the beginnings are extant (fols. 32v and 58r) would seem to suggest otherwise.

18 On both of these scholars, as well as their relationship to Ibn Nūḥ, cf. al-Hītī (Margoliouth, "Chronicle," 439–40) and the discussions by Mann, *Karaitica*, 33–34; M. Polliack, *The Karaite Tradition of Arabic Bible Translation: A Linguistic and Exegetical Study of Karaite Translations of the Pentateuch from the Tenth and Eleventh Centuries C.E.*, ÉJM 17 (Leiden: E. J. Brill, 1997) 55–58. On their writings cf. M. Steinschneider, *Die arabische Literatur der Juden* (Frankfurt a.M.: J. Kauffmann, 1902; repr.; Hildesheim: G. Olms, 1964) §§48 and 50, respectively; as well as, with regard to the former, the more recently identified works indicated by Khan, *Tradition*, 6 (regarding the abridgement cited in the previous note) and 8. On those works of the latter extant in the Firkovitch collections, cf. D. Sklare, in cooperation with H. Ben-Shammai, כתבי היד בערבית-יהודית באוספי פירקוביץ': חיבורי יוסף אלבציר – קטלוג לדוגמה, מקורות ומחקרים (Center for the Study of Judaeo-Arabic Culture and Literature, Publications; Jerusalem: Ben-Zvi, 1997).

19 On the life and works of Yeshuʿah, who, according to al-Hītī (Margoliouth, "Chronicle," 439), was also a student of Levi (Abū Saʿīd) ben Yefet ha-Levi, cf. most recently H. Ben-Shammai, ישועה בן יהודה – לדמותו של חכם קראי ירושלמי במאה הי"א, *Peʿamim* 32 (1987) 3–20, as well as the discussion by Polliack, *Tradition*, 46–53.

20 והוא חבר חבורים וספרים רבים גדולים וטובים. הא' פירוש על כל התורה ונביאים וכתובים (Mann, *Karaitica*, 1413). Mann, however, considers this statement to be an exaggeration following *Dod Mordecai* (Vienna: Anton Edlem von Schmid, 1830, fol. 11b) and in light of the fact that only Yeshuʿah's commentary on the Pentateuch is known. In the absence of any explicit evidence to the contrary, however, and in view of the possibility of authorship presented by this work, we see no reason to disparage the accuracy of Luzki's statement. Cf. also in this regard, not only Luzki's disclaimer regarding his inability to access, or even ascertain the existence of Arabic works from the Jerusalem circle, but also the plundering of such works from the Karaite synagogue in Egypt: וזולתם רבים שלא הזכרתים. כי מהם נזכרים בלשון ערב ולא ידעתים. ורובם לא אזכיר. כי רוב ספריהם איני מכיר. כי חברו ספריהם בלשון ערב. ואין נמצא אתנו מועתק כי אם מעט מן הרב. ובהיותי במצרים בביתו של חכם הקהל יצ"ו ראיתי מספריהם. אף גם ספרו לי מגדולי הקהלה וראשיהם. כי בתי הקהל מלאים בהם. ושמחתי שמחה גדולה לפניהם. והם היו בוכים על מה ששללום אויביהם. בספרם לי איך מחבורי חכמינו ע"ה קרוב לשלש מאות חתיכות ספרים יקרים. והכל עקרים. בבית הכנסת הגדול היו גנוזים. ובערב שבת באו אויבים עם חברת כלבים עזים. באבוקות דולקות וישללום שוללים ויבזום ברוזים (Mann, *Karaitica*, 1446).

21 Cf. Mann, *Karaitica*, 41–42; Polliack, *Tradition*, 53–54.

EXEGETICAL METHOD

In keeping with the basic principles of interpretation followed by the Jerusalem Karaites, our author demonstrates an interest primarily in elucidating the literal meaning – both explicit and implied – of the Hebrew text,[22] in many instances providing two or more interpretive options, never with any specific prooemia, and in most cases with no clear judgment in favor of one or the other.[23] The presence of these various explanations, moreover, would suggest that we have before us a work which is, to a certain extent, more compilatory than original. That such is indeed the case is confirmed by a comparison of our work to those of the two previous Karaite exegetes for whom commentaries on Esther are extant – viz., Yefet ben ʿEli[24] and Salmon ben Yeroḥam.[25] Most of the comments supplied by

22 Cf. the representative views cited and discussed by Polliack, *Tradition*, 23–45, and, by contrast, the more midrashic-styled commentary on Esther of the Jerusalem Karaite Yehudah (ha-rofē) Meir Taurīzi (16th–17th cent.), extant in two manuscripts (MS Brit. Lib. Or. 2517, fols. 108r–146v, of which a short excerpt is given by Mann, *Karaitica*, 106–8; and MS Kaufmann [Budapest] A 29, pp. 205–55), as well as the allegorical commentary on Esther (apparently the only such representative of this commentary genre on Esther by a medieval Jewish exegete; cf. B. D. Walfish, *Esther in Medieval Garb: Jewish Interpretation of the Book of Esther in the Middle Ages* [SUNY Series in Judaica; Albany: State University of New York Press, 1993] 50–51) of the Byzantine Karaite Judah Gibbor (15th–16th cent.), extant in MS HUC-JIR (Cincinnati) 839 (no. 11327) fols. 78r–106r.

23 As in the case of Yefet's commentaries, however, the first explanation given is most likely the preferred one (cf. Birnbaum, *Commentary*, x).

24 This work, currently in preparation towards an edition and translation by the present author, is extant in at least eight different MSS (the first two of which are listed by G. Tamani, "La tradizione delle opere di Yefet b. Ali," *BÉK* 1 [1983] 71–72): MS Adler 1651 of the Jewish Theological Seminary of America (New York), consisting of 93 fols. (complete except for two internal folios); MS Paris 295 of the Bibliothèque Nationale, fols. 123r–172v (complete); MS Lichaa 10 (Lausanne; private collection), consisting of 47 folios (complete); MS II Firk. Heb. Arab. I 272 of the Russian National Library (St. Petersburg), consisting of 86 folios (complete except for the last folio); MS II Firk. Heb. Arab. I 3963, consisting of 25 folios (lacunous and in disorder); MS II Firk. Heb. Arab. I 3964, consisting of 35 folios (lacunous and in disorder); MS II Firk. Heb. Arab. I 4255, consisting of 14 folios (lacunous); and MS Or. 2520 of the British Library (London) fols. 174–75. According to Marwick, "Order," 459, n. 36a (followed by Tamani, "Tradizione," 72), a Hebrew translation of Yefet's commentary is (partially) extant in MS Firk. Heb. I 583, fols. 22r–35r (only up to 3:2), notwithstanding the attribution of the opening preface to Salmon ben Yerōḥam. However, this work – which is more fully extant in MS Firk. Heb. II 78, fols. 11v–25v – is quite distinct from either the commentary of Yefet or Salmon, and, in view of the many Greek glosses scattered throughout, most likely represents the compilatory activity of a twelfth-century Byzantine Karaite (cf. I. Markon, "פירוש על מגלת רות להקראי שלמון בן ירוחם," in *Livre d'hommage à la mémoire du Dr. Samuel Poznański (1864–1921)* [ed. le Comité de la Grande Synagogue à Varsovie; Warsaw-Leipzig: Harrassowitz, 1927] עט, who, in his introduction to the commentary on Ruth contained in these two MSS, explains the work as a Byzantine translation of Salmon's commentaries; the commentary on Ruth, however, is in fact a translation of Yefet's Tafsīr [cf. L. Nemoy, "Did Salmon ben Jeroham Compose a Commentary on Ruth?" *JQR* 39/2 (1948) 215–16]; and Z. Ankori, *Karaites in Byzantium: The Formative Years, 970–1100*, CSSS 597 [New York: Columbia University Press, 1959] 417–49).

25 Extant in at least four incomplete MSS, all from the Second Firkovitch Collection of the Russian

our author, including the alternative explanations, would appear to have been abridged in some fashion from the commentaries of Yefet[26] and Salmon.[27] All of the parallels between these two authors and our work have been duly cited in the notations to our translation. As a representation of later Karaite exegesis and its indebtedness to these earlier works, we have also cited parallels from the Byzantine compilation (cited hereafter under "the Compilator") extant in MSS Firk. Heb. I 583 and Firk. Heb. II 78 (see n. 24).

Due to its great appeal to Diaspora Jewry,[28] the Book of Esther may be found to boast one of the largest stores of attendant exegetical literature — spanning the range of Jewish interpretive methodology — of any single book outside the Pentateuch.[29] Not surprisingly, therefore, several congruencies are also to be noted between our text and the more literal strands of rabbinic exegesis, many of them apparently mediated from the Rabbanite direction via Yefet, whose dependence upon targumic and midrashic sources, as well as the commentaries of Saadia, has been well-noted in previous studies.[30] In assessing the following examples,

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National Library (St. Petersburg): MS Heb. Arab. I 4467, consisting of 24 folios; MS Heb. Arab. I 4468, consisting of 10 folios; MS Heb. Arab. I 4469, consisting of 1 folio; and MS Heb. Arab. II 3295, consisting of 13 folios Together these MSS cover all or most of the commentary from the *basmalah* to 1:14, 2:5–3:6, 3:8–5:2, 6:9–11, 6:13–7:5, 8:12–14, 8:17–9:12, and 9:14–17. According to Walfish, *Esther*, 229, later Karaite exegesis of Esther is extant in Judah Hadassi's אשכל הכפר (Eupatoria: M. Tirishkan, 1836) fols. 93b–94b (§§245–47), Jacob ben Reuben's ספר העושר (Eupatoria: s.n., 1835) fols. 17a–17b, Elijah Bashyazi's אדרת אליהו (Israel: Ha-mo^{c}atsah ha-artsit shel ^{c}adat ha-yehudim ha-kara$^{\jmath}$im be-yisra$^{\jmath}$el, 1966) fol. 79a, and the respective commentaries of Yehudah (ha-rofē) Meir Taurīzi and Judah Gibbor (on both of which cf. n. 22 above). According to Luzki, moreover, commentaries on the Hagiographa (and thus Esther) were composed by Jacob ben Reuben (Mann, *Karaitica*, 1415), Aaron (ha-rofē) ben Joseph (Mann, *Karaitica*, 1416), and Abraham (ha-rofē) ben Judah (Mann, *Karaitica*, 1420), as also a commentary specifically on Esther by Moses Messorodi ben Judah Marūli (Mann, *Karaitica*, 1424). Dr. Benjamin Richler of the Institute for Microfilmed Hebrew Manuscripts has also kindly brought to my attention several anonymous (and most likely Karaitic) Judaeo-Arabic fragments on Esther from the Second Firkovitch Collection which I have as of yet been unable to examine.

26 Cf. *ad* 1:3, 5, 6, 7, 8, 9, 10, 12, 13, 14, 16, 19, 22; 2:1, 5, 6, 7, 9, 10, 13, 14, 17, 18, 19, 21, 22; 3:1, 2, 3–4. Several of these, however, may ultimately derive from Salmon — viz., *ad* 1:6, 7 (first comment), 8, 13 (*ad* דת); 2:6, 14 (first comment), 18 (*ad* והנחה), 21, 22 (second comment); 3:2, 3–4 (first comment).

27 Cf. *ad* 1:1, 3, 4, 5, 6, 8, 13, 15; 2:6, 9, 14, 15, 18, 21, 22, 23; 3:2, 3–4.

28 Cf. Walfish, *Esther*, 1: "In many ways, the Book of Esther was a model for Diaspora Jewry, a success story that served as a source of comfort and inspiration for them through the ages. As the centerpiece of the liturgy of the holiday of Purim, the book loomed large in the popular imagination."

29 In addition to the individual exegetes treated by Walfish, *Esther*, *passim*, cf. the midrashic compilations recently anthologized (in German translation) by D. Börner-Klein and E. Hollender, *Rabbinische Kommentare zum Buche Ester*, vol. 2: *Die Midraschim zu Ester* (Leiden: E. J. Brill, 2000).

30 Cf. Z. Auerbach, ed., *Iepheti ben Eli Karaitae in Proverbiorum Salomonis caput XXX commentarius, nunc primum arabice editus, ad latinum conversus, adnotationibus illustratus* (Bonn: Typis Caroli Georgii, 1866) 4; I. Günzig, ed., *Der Commentar des Karäers Jephet ben $^{\jmath}$Ali Halêvi zu den Proverbien. Zum ersten Male nach mehreren Handschriften edirt, mit einer Einleitung und Anmerkungen versehen* (Krakau: Josef Fischer, 1898) 24–27; H. Hirschfeld, ed., *Jefeth b. Ali's Arabic Commentary on*

however, the possibility of independent derivation resulting from common application by both sides of the *peshaṭ* approach should also be kept in mind:

Ad 1:1 *One hundred and twenty-seven mĕḏînâ*
(These were) very large regions (*manābir*) (II Firk. Heb. Arab. I 1755). Insofar as it is assumed that a *mĕḏînâ* is a region (*minbar*) or district, it is clear that (the kingdom of Ahasuerus) encompassed most of the inhabited earth . . . And whence is it gathered that a *mĕḏînâ* is a region (*minbar*) or district? From the statement *each mĕḏînâ according to its own script* (1:22), yet there is not for every city (its own) separate script[31] (Saadia).

Ad 1:3 *In the third year . . .*
It comes out (only) in this verse that something took place in his days, since the two previous verses (serve as) an introduction (II Firk. Heb. Arab. I 1755). (Scripture) intends (the expression) *when (king Ahasuerus) was sitting* (to serve as) an introduction to that which it will say afterwards, namely: *In the third year of his reign he gave a banquet, (etc.)*[32] (Saadia).

Ad 1:3 *In the third year of his reign . . .*
During these years he was engaged in war until his rule was consolidated, after which he undertook to win the hearts of (his) subjects and kings with this banquet (II Firk. Heb. Arab. I 1755). Why did he make a drinking-feast? Some say that his prefects revolted against him, and he proceeded to subdue them, (after which) he made a drinking-feast[33] (*Tg. Esth. II*).

Nāḥūm, with Introduction, Abridged Translation and Notes, Jews' College Publication no. 3 (London: Jews' College, 1911) 7; Birnbaum, *Commentary*, xi–xv, xx–xxiii; L. Nemoy, *Karaite Anthology: Excerpts from the Early Literature*, YJS 7 (New Haven: Yale University Press, 1952) 83.

31 פאדא אעתקד אן מדינה מנבר וכורה תבין אנה קד שמל אכתר אלעמארה . . . ומן אין יסתדל עלי אן מדינה כורה ומנבר מן קבל מדינה ומדינה ככתבה. וליס יוגד לכל מדינה מן אלמדן כט מפרד (Y. Ratzaby, "מפירוש כורה ומנבר מן קו מדינה ומדינה ככתבה. וליס יוגד לכל מדינה מן אלמדן כט מפרד ספר יובל לכבוד מורנו הגאון רבי יוסף," in S. Israeli, N. Lamm, and I. Raphael, eds., ר' סעדיה למגילת אסתר דוב הלוי סולובייצ'יק [Jerusalem: Mossad Harav Kook, 1984] 1175).

32 אדא ראם כשבת תקדמה למא סיקולה בעד דלך אנה בשנת שלוש למלכו עשה משתה (Ratzaby, "פירוש," 1175). Cf. also *Ag. Esth.* (per S. Buber, ed., ספרי דאגדתא [Sammlung agadischer Commentare zum buche Ester] [Vilna: Wittwe et Gebrüder Romm, 1886; repr., Jerusalem: Vagshal, 1989]) *ad* 1:3.

33 ומטול מאן דעבד משקיא אית דאמרו דמרדין עלוי אפרכוי ואזל וכבשינון אתא ועבד משקיא (B. Grossfeld, ed., *The Targum Sheni to the Book of Esther: A Critical Edition Based on MS Sassoon 282 with Critical Apparatus* [New York: Sepher-Hermon, 1994]; translation adapted from Grossfeld, *The Two Targums of Esther: Translated, with Apparatus and Notes*, ArBib 18 [Collegeville, Minn.: The Liturgical Press, 1991] 123–124). Cf. also *Ab. Gur.* (Buber, ספרי דאגדתא, 8); *Pan. Aḥ.* B (Buber, ספרי דאגדתא, 58); Ibn Ezra.

Ad 1:5 *The king gave a banquet . . .*

The Jews, however, did not eat of the king's food which was forbidden, as indicated by the saying of Haman: *their laws are different from those of all other people* (3:8) (II Firk. Heb. Arab. I 1755). R. Ḥanina bar Papa said: "The great men of (that) generation were there and fled"[34] (*Esth. Rab.* ii, 5).

Ad 1:6 *Ḥûr, karpas, and tĕḵēleṭ*

Ḥûr — (the) canopy; *karpas and tĕḵēleṭ* — the coloring of the curtains (II Firk. Heb. Arab. I 1755). From (every) tree hung white, sapphire-like, greenish and blue-colored linen curtains[35] (*Tg. Esth. I* and most MSS of *Tg. Esth. II*).

Ad 1:7 *Drinks were served in . . . vessels of different kinds*

Or, (perhaps) each round would be (carried out in) a certain (fixed) manner[36] (II Firk. Heb. Arab. I 1755). (The guest) would not drink again from (the same cup), but rather they would bring in that cup and bring out another new one[37] (*Tg. Esth. II*).

34 אמר רבי חנינא בר פפא גדולי הדור היו שם וברחו. This saying of R. Hanina is expanded in *Leq. Toḇ* (Buber, ספרי דאגדתא, 90): א״ר חנינא בר פפא מלמד שגדולי הדור ברחו להם ולא אכלו שם כי אם הנמצאים מפני בישולי נכרים Cf. also *Ab. Gur.* (Buber, ספרי דאגדתא, 9); *Midr. Meg. Esth.* (A. Jellinek, ed., בית המדרש [*Sammlung kleiner Midraschim und vermischter Abhandlungen aus der ältern jüdischen Literatur*] [6 vols., 3d ed.; Leipzig, 1853. 2 vols., repr.; Jerusalem: Wahrmann, 1967] 1:22).

35 ומן אילנא לאילנא הוו פריסן יריען דבוץ גוון חיוור כספירין וכרתנין ותכלא (B. Grossfeld, ed., *The First Targum to Esther, According to the MS Paris Hebrew 110 of the Bibliothèque Nationale* [New York: Sepher-Hermon, 1983]; Grossfeld, *Targum Sheni*; Grossfeld, *Two Targums*, 32 [*ad Tg. Esth. I*]; for the reading in *Tg. Esth. II* cf. Grossfeld, *Two Targums*, 126, n. 49 and the apparatus). On this common inference of "curtains" or the like cf. also Saadia (per Y. Kāfiḥ, ed., . . . פירושים אסתר, בתוך חמש מגילות עתיקים היוצאים לאור פעם ראשונה על פי כתבי יד בצירוף מבואות הערות והארות [Jerusalem: Ha-aguda le-hatsalat ginze teman, 1962]): בסתאיר מן חריר ואסמאנגון in "[Decorated] with curtains of silk and cerulean"; and A. Neubauer, ed., *ʾAbu ʾl-Walīd Marwān (Jonah) ibn Janāḥ, Kitāb al-ʾUṣūl (The Book of Hebrew roots)* (Oxford: Clarendon Press, 1875; repr., Amsterdam: Philo Press, 1968) col. 217, s.v. חור (on the rendering of Saadia): وكذلك معنى חור כרפס وתכלת الثياب البيض كما قيل תכלת וחור الذى تفسيره اسمانجون وبياض: وقد فسّر فيه ستارات بدلالة אחוז בחבלי בוץ וארגמן. وهذا الدلالة لسنا نمتنع نحن من الاستدلال بها على مذهبنا ايضا. لانّ الموصوف محذوف وقامت الصفة مقامه "Similarly, the meaning of [*ḥûr* in the phrase] *ḥûr, karpas,* and *tĕḵēleṭ* is 'white cloth,' as it is said, *tĕḵēleṭ wā-ḥûr* [Esth. 8:15], the translation of which is 'cerulean and white'; yet [*ḥûr* in 2:6] has also been explained as 'curtains' on the basis of [the phrase] *fastened with cords of fine linen and purple*, although this line of reasoning does not prevent us from also citing [the phrase] in support of our own view, insofar as that which is being described is omitted, the description itself having been supplied in its place"; as well as *Ab. Gur.* (Buber, ספרי דאגדתא, 10); *Pan. Aḥ.* B (Buber, ספרי דאגדתא, 58–59 [*ad* 1:3, 5, 6]); *Leq. Toḇ* (Buber, ספרי דאגדתא, 90); Rashi; Ibn Ezra.

36 And thus the old cup would be exchanged for a new (different) one (cf. n. 113 below).

37 לא הוה שני ושתי ביה תוב אלא מעיילין ליה להההוא כסא ומפקין אחרינא חדתא (Grossfeld, *Targum Sheni*). Cf. also *Ab. Gur.* (Buber, ספרי דאגדתא, 10); *Pan. Aḥ.* B (Buber, ספרי דאגדתא, 59); *Leq. Toḇ* (Buber, ספרי דאגדתא, 90–91).

Ad 1:13 *The times*

The minutes of the annals of the (previous) kings (II Firk. Heb. Arab. I 1755). The affairs of the times[38] (Saadia, *Tafsīr*).

Ad 1:16 *Then Memucan said . . .*

Or else what (the other six) said was not recorded since (Ahasuerus) did not act upon it, whereas, regarding this one, (the king's) scribe set down (all that he said) since he was granted distinction over (the others) (II Firk. Heb. Arab. I 1755). Just as the words of R. Judah were acceptable, so the words of Memucan were acceptable[39] (*Esth. Rab.* iv, 6).

Ad 1:19 *Wĕ-lō᾽ yaʿăḇôr*

(Alternatively,) it is said, 'that this decree not pass away, but be (permanently) established' (II Firk. Heb. Arab. I 1755). That this decree not be undone[40] (*Tg. Esth. I*).

Ad 1:20 *For it is great*

The proclamation[41] was great, (for) it is said that this proclamation was extremely important (II Firk. Heb. Arab. I 1755). For the decree is great[42] (*Tg. Esth. I*).

Ad 2:5 *Mordecai, the son of Jair, son of Shimei, son of Kish, a Benjaminite*

It may also be the case that Kish is the progenitor of Saul (II Firk. Heb. Arab. I 1755). Mordecai . . . son of (King) Saul, son of Kish[43] (*Tg. Esth. I* [*ad* 7:6] and *II* [*ad* 2:5]).

38 אמור אלזמאן, explained by Kāfiḥ, אסתר, 302: דברי הימים, כלומר מה שאירע למלכים הקדמונים. Cf. also Ibn Ezra: חכמות המזלות או העתים שעברו על המלכים הקדמונים.

39 נראין דברי ר׳ יהודה נראין דברי ממוכן, on which cf. M. Simon, trans., *Esther,* in H. Freedman and M. Simon, eds., *Midrash Rabbah, Translated into English with Notes, Glossary and Indices* (5 vols., new compact ed.; London: Soncino, 1977) 4:61, n. 2: "just as in the Mishnah the opinion of R. Judah is often recorded though his colleagues differed from him, because the *halakhah* followed him, so here only the opinion of Memucan is recorded." This tradition is likewise attested in *y. Meg.* iv, 7.

40 ולא יתבטל הדא גזירתא (Grossfeld, *First Targum*). Similarly Rashi: חוק זה מביניהם. ולא יעבור; Joseph Kara, Commentary on Esther (per A. Jellinek, ed., פירושים על אסתר רות ואיכה לר׳ מנחם בר חלבו, לר׳ [Leipzig: Leopold Schnauss, 1855] 5) גזירה טוביה בר אליעזר, לר׳ יוסף קרא, לרשב״ם, ולאיש פלוני צרפתי ז״ל; זה לא תיבטל שאם יבא מחר שום אדם לפייס את המלך על ושתי לא תעבור גזירה זו ולא יועיל שום פיוס Ibn Exra: שלא יסור זה החוק.

41 Ar. *al-qiṣṣa* (cf. R. Dozy, *Supplément aux dictionnaires arabes* [2 vols., 2d ed.; Leiden: Brill, 1927] 2:352a), here employed for פתגם.

42 ארום גזירתא רבא היא (Grossfeld, *First Targum*). Cf., in a similar vein, Saadia (per Kāfiḥ, אסתר): פיסמע כבר אלמלך הדי אלדי יצנעה פי גמיע ממלכתה, אנהא עצימה אלאמר "Then shall this communiqué of the king which he shall make be heard throughout his kingdom, for it is an important matter."

43 בר קיש (*Tg. I*: מלכא בר שאול) מרדכי . . . בר (Grossfeld, *First Targum* and *Targum Sheni*). On this predominant view cf. also *Pirqe R. El.*, chap. 49, and the geneologies of Mordecai presented in *Tg. Esth. I ad* 7:6 (Grossfeld, *First Targum*, 28–29); *Tg. Esth. II ad* 2:5 (Grossfeld, *Targum Sheni*, 40–41); *Pan. Aḥ.* B (Buber, ספרי דאגדתא, 62–63); and *Midr. Meg. Esth.* (Jellinek, בית המדרש, 23).

Ad 2:9 *Hā-rĕʾūyôṯ*

It is said (this means) "the select ones," whom Esther selected from among the Jewish (maidens) (II Firk. Heb. Arab. I 1755). And to each (virgin) would be handed over six(!) maidens, as she desired[44] (*Pan. Aḥ.* B). It is also said (this means) "the obligatory ones" (II Firk. Heb. Arab. I 1755). The ones obligatory to be given from the palace[45] (Saadia, *Tafsīr*).

Ad 2:14 *In the evening she went . . .*

It is said that he would sleep with her (II Firk. Heb. Arab. I 1755). *In the evening she went, and in the morning she came back*: from the disgrace of that wicked man do we learn of his virtue — viz., that he would not make use of his bed during the day[46] (*b. Meg.* 13a).

Ad 2:18 *He also granted a remission*

He remitted the poll-tax (II Firk. Heb. Arab. I 1755). He bestowed a favor (in the form) of a release from the poll-tax upon the provinces[47] (*Tg. Esth. I*).

Ad 2:21 *Bigthan and Teresh . . . became angry*

The discontentment (of the two eunuchs) was owing to (the king's) having replaced them, or the like (II Firk. Heb. Arab. I 1755). Mordecai sat in the judicial court which Esther had set up for him at the gate of

44 והיה נמסר לכל אחת ואחת ו׳(!) נערות, כמו שהיתה רוצה היא (Buber, ספרי דאגדתא, 64). That these maidens were Jewish, moreover, may be implied by the following tradition in *Mid. Meg.* (M. Gaster, ed., "The Oldest Version of Midrash Megillah, Published for the First Time from a Unique Manuscript of the Xth Century," in G. A. Kohut, ed., *Semitic Studies in Memory of Rev. Dr. Alexander Kohut* [Berlin: S. Calvary & Co., 1897] 175): מה הוא הראויות לתת לה שהיו בעלי סודה. והיתה מתיעצת עמם. והיתה מונה ספירת ימי נדתה. לכך נאמר הראויות לתת לה. שהיו ראויין לה כמוה. והיה יושב בשער המלך לראות שלא תטמא אסתר ונערותיה בכל מאכל אסור; as well as, perhaps, in *Pirqe R. El.*, chap. 50:

45 אלואגבאת אן תעטא מן בית אלמלך (Kāfiḥ, אסתר). Although a similar rendering is attested in *Tg. Esth. II* (Grossfeld, *Targum Sheni*, ad loc.) — viz., שבעתי עולימת׳ דחזיין למיתן לה מן ביתא דמלכא — the rendering by Saadia (per Kāfiḥ, אסתר) clearly yields a more precise parallel, and may well be that directly intended by our author. Cf. also Ibn Janāḥ, *ʾUṣūl*, col. 655: ومنها ما يكون وجوبا واستحقاقا הראויות לתת לה اى واجب اعطاءها لها "Among its [senses] is that of 'necessity' and 'desert,' [as in the phrase] הראויות לתת לה — that is (to say), it was necessary that they be given to her."

46 בערב היא באה ובבקר היא שבה, אמר רבי יוחנן: מגנותו של אותו רשע למדנו שבחו, שלא היה משמש מטתו ביום. Cf. also *Leq. Tob* (Buber, ספרי דאגדתא, 95); Rashi in his talmudic commentary, *ad loc.*; and Ibn Ezra.

47 והנייית שיבוק כרגא לפלכיא עבד (Grossfeld, *First Targum*). On the rendering of כרגא as "poll-tax" cf. M. Jastrow, *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature* (New York: G. P. Putnam, 1903; repr., New York: The Judaica Press, 1992) 664a; and Rashi in his talmudic commentary, *b. Meg.* 13a: דלי כרגא – אמר: בשביל אסתר אני מניח לכם מכסי גולגולתכם. Cf. also the recension of *Ab. Gur.* edited by Z. M. Rabinovitz, לצורתם הקדומה גנזי מדרש של מדרשי חז"ל לפי כתבי יד מן הגניזה (Tel-Aviv: Bet ha-sefer le-maddaᶜe ha-yahadut ᶜa. sh. Ḥayyim Rozenberg, Universitat of Tel-Aviv, 1976) 166; and *Leq. Tob* (Buber, ספרי דאגדתא, 96).

the king, and when the two officers saw (this) they grew agitated and became angry, saying one to the other, "Is not the queen, by the decree of the king, seeking to remove us and set up Mordecai? Yet it is not dignified to remove two distinguished counsellors[48] and set up one (in their place)"[49] (*Tg. Esth. I*).

Ad 2:21 *. . . and conspired*

Concerning their plot the two spoke in their own language (II Firk. Heb. Arab. I 1755). Bigthan and Teresh plotted in their own language[50] (*Tg. Esth. I*).

Ad 2:22 *And the matter became known to Mordecai*

It is said that he learned of this (plot) by (divine) revelation or in a dream (II Firk. Heb. Arab. I 1755). The matter was afterwards revealed (to Mordecai) by the Holy Spirit[51] (*Tg. Esth. II*).

Ad 3:2 *But Mordecai did not bow down or do obeisance*

Mordecai refrained from the (act of) prost[ration . . .] such veneration was not for the purpose of (showing) respect[52] (II Firk. Heb. Arab. I 1755). [Haman was made][53] an object of worship before whom all who beheld him would prostrate themselves, as it is said: *And all the king's servants who were at the king's gate bowed down and did obeisance to Haman*; yet Mordecai refrained from such, as it is said: *But Mordecai did not bow down or do obeisance*. And even though we have found many pious individuals to have prostrated themselves before men (for the sake of) honor rather than faith, this (refusal by Mordecai) was due to its having been a prostration of worship, proceeding as idolatry, and it was forbidden for him to imitate such[54] (Saadia).

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48 For this translation of קלוסנטרין as "distinguished counsellors" we follow Buber's analysis of the term (ספרי דאגדתא, 20, n. 53) as a compound of Grk. κολοι and Lat. *senatores* (contra, e.g., Jastrow's construal of the form [*Dictionary*, 1373b] as a corruption of γελοιαστήρ, "jester").

49 ומרדכי יתיב בסנהדרין דתקינת ליה אסתר בתרע מלכא וכד חמון תרין רברביא בנסו וקצפו ואמרו דין לדין הלא מלכתא בפתגם מלכא בעייא לסלקא יתן ולאוקומא ית מרדכי ולית רבות לסלקא תרין קלוסנטרין ולאוקמא חד (Grossfeld, *First Targum*). Cf. also Esth. Rab. vi, 17; *Ab. Gur.* (Buber, ספרי דאגדתא, 20); *Pan. Aḥ.* B (Buber, ספרי דאגדתא, 65); *Leq. Tob* (Buber, ספרי דאגדתא, 96).

50 איתיעטו בלישנהון בגתן ותרש (Grossfeld, *First Targum*). Cf. also *b. Meg.* 13; Rashi; Ibn Ezra.

51 בכן אתחזי פתגמא ברוח קדשא (Grossfeld, *Targum Sheni*). Cf. also *Pan. Aḥ.* B (Buber, ספרי דאגדתא, 65).

52 I.e., the prostration before Haman is construed to have been a form of worship.

53 For this restoration we follow Ratzaby, "פירוש," 1163.

54 מעבודא יסגד לה כל מן ראה כק׳ וכל עבדי המלך אשר בשער המלך כרעים ומש׳ להמן. ואמתנאע מרדכי מן דלך כק׳ ומרדכי לא יכרע ולא ישתחוה. ועלי אן אול[יא] כתירין וגדנאהם קד סגדו ללנאס סגוד תשריף אלא ד[ין] האדה למא כאן סגוד עבאדה צאר כאלצנם ולם יגוז ימתלה (Ratzaby, "פירוש," 1173). Although Saadia's comment provides a more precise parallel to the words of our commentator — who, via Yefet, may ultimately be dependent on Saadia — the understanding of the obeisance due Haman as constituting religious (idolatrous) worship is likewise attested in *Tg. Esth. I* (Grossfeld,

A couple of congruencies between our text and the standard edition of Ibn Ezra's commentary on Esther[55] are also to be noted, both of them in passages which, in our text, have apparently been derived from Yefet. This would suggest that, as elsewhere in his scriptural commentaries,[56] Ibn Ezra borrowed directly from the Karaite exegete without specifically mentioning him as his source:

Ad 2:10 *Esther had not made known her people or kindred . . .*

The most likely (explanation) is that she was afraid that, if she had revealed her religion, she would have been targeted with derision and (the precepts of) her religion would have been unable to be fulfilled by her; yet, by reason of her secrecy, she was able to fulfill several (such precepts), though if she had resisted (completely) she would have been killed (II Firk. Heb. Arab. I 1755). The correct (explanation), in my view, is that Mordecai did this in order that she might keep the Law of the Lord in secrecy — (that is,) so as not to eat unlawfully slaughtered animals and (in order to) keep the Sabbath — without the servants becoming aware (of it) and the matter therefore becoming known to the king; (for thus) he might compel her (to eat) or kill her, seeing that she had been seized against her will[57] (Ibn Ezra).

Ad 2:19 *When the virgins were gathered . . .*

(I.e.) when the virgins had gathered together in order that a second queen might be drawn from among them, Mordecai was sitting in the king's gate so as to learn of Esther's situation (II Firk. Heb. Arab. I 1755). The reason (for this statement) was to (to say) that this second time[58] Mordecai was already sitting (as an official) in the king's gate, since this (event of Esther's selection) was in the seventh year of his reign and the banquet concerning the affair of Vashti was in the third year[59] (Ibn Ezra).

First Targum, ad loc.), Esth. Rab. vii.6; *b.Meg.* 19a; and *Ab. Gur.* (Buber, ספרי דאגדתא, 22); *Pan. Aḥ.* A (Buber, ספרי דאגדתא, 46 [ad 3:6]); *Leq. Toḇ* (Buber, ספרי דאגדתא, 97); *Mid. Meg.* (Gaster, "Version," 175); *Midr. Meg. Esth.* (Jellinek, בית המדרש, 22–23); *Pirqe R. El.*, chap. 50; *Gen. Rabbati*, p. 151.

55 I.e., that contained in the various editions of the Rabbinic Bible (*Miqra'ot Gedolot*). On the relationship between both of Ibn Ezra's commentaries on Esther cf. B. Walfish, "The Two Commentaries of Abraham Ibn Ezra on the Book of Esther," *JQR* 79 (1988–89) 323–43.

56 Cf. Auerbach, *Iepheti*, 4; Hirschfeld, *Jefeth*, 7; Birnbaum, *Commentary*, xliii–xlvii; Nemoy, *Anthology*, 83; Tamani, "Tradizione," 33.

57 והנכון בעיני כי עשה זה מרדכי בעבור שתשמור תורת השם בסתר שלא תאכל נבילות ותשמור השבתות ולא ירגישו המשרתים כי אם יודע הדבר שמא המלך יכריחנה או יהרגנה כי בעל כרחה נתפש׳. With regard to Esther's religious (esp. dietary) observance cf. also *Tg. Esth I* ad 2:20 (Grossfeld, *First Targum*, 13); *Tg. Esth. II ad* 2:9 (Grossfeld, *Targum Sheni*, 43); *b.Meg.* 13a; *Leq. Toḇ* (Buber, ספרי דאגדתא, 95); *Pirqe R. El.*, chap. 50.

58 I.e., the gathering of virgins for a second queen in place of Vashti.

59 הטעם היה זאת הפעם השנית כבר היה יושב מרדכי בשער המלך כי זה בשנת שבע למלכותו והמשח׳ על דבר ושתי בשנת שלש.

MS II Firkovitch Hebrew-Arabic I 1755
Folios 61r–64v

[ ] = a reading supplied due to damage in the MS. < > = a supralinear or marginal reading. { } = a false start at the end of a line or erased text.

בשם אדוני עולם [61r]

1:1–2 מקדמה אחשורוש. הלא כבני כשיים. **ויהי בימי**. דכר פי דריוש המד. אנה אקאם קכ אמירא והדא זאד עליה בז מדן והי מנאבר כבאר. ואכתצר האהנא פעל אלסאמרה. **בימים ההם**. ישבה אן אלמלוך אלדין קבלה מלכו פי בבל והדא ראי אן יחדת הדא אלמוצע.

1:3 **בשנת שלוש**. בין פי הדא אלפסוק אי שי כאן פי איאמה לאן אלפסוקין אלמתקדמין מקדמה. אשתגל פי הדה אלסנין פי אלחרב חתי אסתקר אלמלך ובעד דלך אכד אן יסתגלב קלוב אלרעיה ואלמלוך בהדה אלדעוה. וימכן אנה למא כאן אלקום אב[נ]א דניא אשתגלו פי אלאכל ואלשרב [61v] ומחלה פעל בלשצאר.

1:4 **בהר את עו**. דכר פי ג מן מלוך פרס עושר. כורש. אחשורוש. {אר} ארתחשסת אלכביר. **עושר ויקר**. **עושר**. עדד כתירה. יקר. חסן אלדולה ואלמלך ואלגואהר. **ימים**. סתה שהור שמסיה.

1:5 **ובמלאות**. לם ימכן אן יגמע אלאמם כלהם אלי שושן פגמע אלקואד אלדין להם. ולם ימכן איצא אן ישגל אלרעיה סתה שהור פגעלה ז איאם דורא[60] והי גיר אלמאיה ותמנין יומא.[61] ולם יאכל אליהוד מן טעאם אלמלך אלחראם ואלדי ידל עלי דלך קול המן ודתיהם שונות מכל עם. ואן כאן אחצרהם ודפע אליהם מא י‹וס›{שו}עי[62] בה מא יעאלגונה לאנפסהם פהדא מסתמר לאנה טלב אן ירצי אהל אלבלד. ולם ימכנה מתל דלך פי בלד אכר לאגתמאם אהל בלד אכר.

60 The *alef* has been added by a different hand.

61 The *mem* has been changed from a final form to a medial form and the *alef* added by a different hand.

62 The word was first written ישועי, which, when re-read by our scribe or a later reader, was rightly construed as an error for the passive form (II or IV) יוסעי (cf. Blau, דקדוק, §8ד). Most of the *waw* and part of the *sin* have been erased, over the latter being written a *samekh* and over the *yod* either a slightly curved *waw* or else an unusually large *ḍamma*.

1:6 **חור וג.** וצף מגלס אלרעיה[63] ודכר מן אלסקף ונאזלא.[64] **חור.** סמא. **כרפס ותכלת.** לון אלסתור. **אחוז.** יגמע אלסמא ואלסתור. **מטות זהב וכסף.** מגשאה פצה ועראניסהא בדהב או בעכסה.

1:7 **והשקות שונים.** תגייר אלנקוש פיגאב לכל ו[א]חד מא יחבה [62r] ואמא אן יכון כל דור שכלא[65] מא. ולם ידכר אלטעאם.

1:8 **והשתיה כדת.** רסם אן יעמל מע כל ואחד מא יחב לאנה טלב אן יפרחו.

1:9 **גם ושתי.** ימכן אנהא עמלת מגלסא מתל אלמדכור ק ופ יומא ללסתאת ולנסוה ואלרעיה אסבועא. וימכן אנהא עמלת ז איאם ללסתאת דון אלרעיה פקט.

1:10 **ביום השבי.** זאם קום אנה אכטא פי הדא אלקול ואלדי חמלה אלסכר. וקום יגהלונה גדא פי סאיר אמורה ומתלה אליהוא בן ברכאל. וקום ירון אנה חכים עאקל ואן רסם אלמלוך אן יתגמלו באטהאר נסאיהם כקו והשגל יושבת אצלו.

1:11 **להביא.** כאן ענדהם אן אלשכין אלמליח או אלעאקל פיה אלאהיה פטלב אחשורוש אן יריהם אנה קד כ‹ו›מל[66] פכאנת אחריתה שמחה תוגה.

1:12 **ותמאן.** קום יחמדונהא וקום ידמונהא. והו אלאקרב פלעל אנהא ראת מא לם יעגבהא או מא רצית אן ינטרהא אלעואם.

1:13 **ויאמר המ.** מא כאן יהגם עלי אלאמור. [ה]**עתים.** אוקאת אלאכבאר אלתי ללמלוך הל גרי עלי גירה מתלה אם לא. **כי כן** [62v] **דבר.** כדא כאן רסם כל מלך אדא גרי עליה אמר צעב יסתשיר פיה. **דת.** סנן בקו כדת מדי ופרס. **ודין.** אחכאם כאנת להם.

1:14 **והק.** האולא[67] אלו הם אכין אלחכמים. **היושבים ראש.** קיל אנהם כאן להם מלך ואזאלהם לידלהם. וקיל אלדין גלסו פי אלאול יעני אלדין רתבו לה אלמלך. וקיל אלדין רתבהם אולא פי אלמלך יעני אנהם אול מן מלכהם.

1:15 **כדת.** טלב אלסנה ולם יטלב אלחכם לאנה עארף בה ואראד אלסיאסה והי אולי ענדהם.

1:16 **ויאמר ממוכן.** דכרה דון גירה והו אכרהם פי {אל} אלדכר פימכן אן אלסתה קאלו

63 It is tempting to see here an error for אלדעוה, albeit see n.107 below.

64 The *alef* has been added by a different hand.

65 The *alef* has been added by a different hand, in this case above the line due to the close proximity of the following word.

66 On this use of *waw* as a *mater* for the passive cf. Blau, דקדוק, §8ד.

67 On this form, as opposed to האולאי with consonantal representation of the *hamza* (here added, with *kasra*, by a later hand), cf. Blau, דקדוק, §11אbα.

אצגרנא יערף אלסנה ואמא תחירו וערף הו. או קאלו מא לם ידון למא לם יעמל עליה.
ולדאך געלה כאתבה לאנה חצל לה שרף עליהם. דכר ממוכן כל מא תעלק בהדא
אלאמר ואלאשבה אנה צרף אלדין כאנו ענדה תם בעד דלך אסתשאר.

1:17–18 **כי יצא דבר המלכה. והיום הזה.** ערף מא יתסבב מן הדא אלאמר וקו **וכדי בזיון וקצף יריד**
בה ובמקדאר מא תחצל הקריה[68] מן ‹אלנסא› לאזואגהן יחצל א[ל]סכט.

1:19–20 **אם** [63r] **על המלך. ונשׁ. ולא יעׂ.** ולא יגוז הדא אלאמר פיכון פיה אלפסאד. וקיל ולא
יגוז הדא אלרסם בל יכון תאבתא[69] וקיל ולא יגוז **אחד** מן אלנאס ען הדא אלשי אלדי
אשרת בה. **כי רבה.** אלקצה עטימה קיל הדה אלקצה עטימה גדא או נאיבה כבירה[70] הי
ממלכה עטימה.

1:21–22 **וייטב הדבר. וישלח ספרים. ומדבר כלשׁ עמ.** מע אלכתאב רסולא[71] יתכלם עליה. וקיל
יאמר כל ואחד עלי חסב מדהבה ולא יכאלף פיה.

2:1 **אחר הד וג. זכר.** דכר אנסה בהא. **ואת אשׁ עשׂ.** כסאהא. **נגזר.** אן לא תדכל אליה.

2:2 **ויאמרו נע המ משׁ.** הדא אלאמר יתכלם פיה אלגלמאן לאנסה בהם כגלמאן דוד.

2:3–4 **ויפקד. והנע.** כאן לכל גאריה סנה מראעאה כמא שרחה מן בעד.

2:5 **איש יהודי.** כאן לה פי הדא אלוקת נחו פ סנה. ימכן אן יכון יאיר אבאה[72] ושמעי גדה
וקיש גד אביה. ויתגה אן יכון קיש ואלד שאול ושמעי בן קיש והו עמ[73] שאול ויאיר
בן שמעי בלא ואסטה.

2:6 **אשר הג.** כאן מן התאניס הטובות. ולם י[ט]לע מע אלקום אלי ירושלם.

2:7 ויהי [63v] **אומן וג.** אסתר בלגה אלפרס כוכב וסמית בה למא חצלת פי דאר אלמלך.

2:8 **ויהי בהשמ.** מא עלם בהא אלא בעד מדה טוילה.

2:9 **ותיטב הנע וג. בעיניו.** ישיר אלי חגי. **הראויות.** קיל אלמכתאראת אלתי אכתארתהן אסתר

68 This form is unattested in the lexica and, if not an error for *ḥuqra* (cf. Dozy, *Supplément*, 1:308a), is apparently to be construed in a similar sense.

69 The *alef* has been added by a different hand.

70 Perhaps אד should be inserted here (cf. n.148 below).

71 The *alef* has been added by a different hand.

72 Corrected in the text from אבוה.

73 Read אכו. Cf., however, *Mid. Meg.* (Gaster, "Version," 174 [ad loc.]), in which Shimei here is identified as Shimei ben Gera (cf. 2 Sam.16:5) and described as the uncle (דודו) of Saul. Yet, although this tradition provides tempting support for the reading עמ in our text, we can see no way to reconcile this with the previous reference to Kish as the progenitor of Saul, and Shimei as the son of Kish.

מן אליהודיאת. וקיל אלמוגובאת. **וישנה**. נקלהא מן מוצע אלי מוצע אגלאלא.[74]

2:10 **לא הגידה אסׂ**. אלקריב אנהא כאפת אן אטהרת [די]נהא קצדת באלאדיה ולא יתם להא דינהא. ואנהא מע אלאכפא יתם להא אלבעץ ולו מאנעת קתלת.

2:11 **ובכל יום. שלום אסׂ**. צחה גסמהא. **ומה יעׂ**. פי אלאמר אלדי אכדת לאגלה.

2:12 **ובהגיע תור**. וקת אלחול אלדי אכדת פיה.

2:13 **ובזה**. הדא פי כל גאריה תמת להא אלמדה. **את כל אשר תאׂ ינׂ**. אלאשיא אלתי תחסן בהא ענד אלמלך.

2:14 **בערׂ הׂ**. קיל אנה יו‹א›קעהא[75] וקיל ינטר לונהא. אדא כאנת בתולה כאנת ענד הגי ואדא ואקעהא צארת ענד שעזגז[76] ולא תעא[ו]ד או יסתדעיהא. וכאן אלמלך יסאל ען בלדהא ונסבהא ואסמהא ויתבתה ענדה פיערץ כל ואחדה פי [64r] נפסה פמתי אראדה[א] אמר באחצארהא.

2:15 **ובהגיע**. אלי נובה אסתר כאן אלאמר כמא דכרה פי מא[77] תקדם פלמא גאת אסתגני עמן בקי מן אלבתולות. **לא בקשה דב[ר]**. לם תטלב שיא מן חלי ולבאס וגיר דלך מתל גירהא. **נושאת חן**. ענד אלמלך ואלנאס לאן ותשא חסד לפניו מכצוץ בהגי.

2:16 **ותלכׂ. ותלקח**. חצולהא פי דארה [00][78] וכלותה בהא.

2:17 **ויאהב. הנשים**. אלנסה אלתי[79] כן מע נשתי ואלדין[80] דכל בה[ן] בעד ושתי. וקולה **מכל הבתולות** אלתי[81] בקין מא דכל בהן. **וימליכה**. אד לם ימלך אלי הדא אלוקת מלכה.

2:18 **ויעש המׂ**. אטהר סרורא ופרחא לעבידה. **והנחה**. תרך {אל} אלכראג תם האדי עבידה.

2:19 **ובהלכׂ**. ענדמא גמען אלבתולות ליוכד מנהן מלכה בׂ כאם מרדכי גאלסא פי באב אלמלך ליערף חאל אסתר.

2:20 **אין אסׂ**. קאל לא הגידה דאך להגי. והדא בעד דכולהא. **ואת מאׂ**. פי תדביר אחואלהא.

74 The *alef-lamed* ligature and final *alef* of this word have been added by a later hand.

75 The *alef* has been added by a different hand.

76 MT: שעשגז (cf. n.174 below).

77 The spacing is tight here and these two particles may be intended to be read פימא, albeit with the same meaning as פי מא.

78 There are vague traces here of two letters in our copy of the MS; their omission, however, seems to produce no want in the sense of the clause.

79 *Sic* for אללואתי.

80 On this substitution of the masculine form for the feminine cf. Blau, דקדוק, §121ב.

81 *Sic* for אללואתי. The *tav* has been emended (by a later hand?) from *dalet*.

2:21 **בימים וג׳.** הדה מקדמה כלאצה מן הָמָן. סכטהם לאנה בדל בהם או בגיר דלך.

2:22 **ויודע.** תכלמא [64v] בלגתהם לתצורהמא אנה לא יפהם פראי נ[צ]יחה אלסלטאן לאנה פי כדמתה. וקיל אנה ערף דלך בוחי או במנאם.

2:23 **ויבקש הר׳.** תקצי אלמלך ואנפד אלחבם ולם יפעל מע מרדכי גזא[82] אלי אלוקת אלאפצל מתל וישכחהו.

3:1 **אחר.** אצאפה אלי מא תחדב ליבין אן המן מא תם לה גרצה [00]קבל[...י]דל אול חאלה. **וינשאהו.** בע[ד...] מן בעד גיר אנה לם יבלג מנזלה רואי פני ה[מלך].

3:2 [...]. אמתנע מרדכי ען אלסג[וד...] לם [...] דלך עבאדה לא ללאכראם וליל[...ב]נפסה. וקיל אלדי יסוג אן [...סג]וד[83] או רכוע וגמעהמא לא וג[...] לאנה לם יפעל אחד אלשיין[84] בל מא קאם מן מוצעה.

3:3–4 **ויאמרו.** שפקו עליה פנצחוה וכרורו אלקול פלם יקבל. וכברו המן לאנהם קאלו אדא קלנא להמן וגעל באלה מנה לם יע[אוד]. **כי הגיד להם.** קהּ למא קיל אן אלמלך ג[על ה]מ[ן מת][85] [א]למעבוד לאנה כאן מליחא ג[דא...]עמל נבוכדנצר בדניאל [...]המ[ן][86]

Translation[87]

In the Name of the Lord of Eternity

1:1–2 The prelude of Ahasuerus: *Are you not as the children of the Ethiopians (unto me, O Children of Israel?)* (Amos 9:7).[88] *And it came about in the days (of Ahasuerus)* — (Scripture) says in the passage (which begins) *And Darius the Mede* (Dan 6:1), that (Darius) appointed 120 governors, yet this one exceeded him (in the extent of his dominion) by 7 *mudun*, which were very large regions.[89] During this time

82 *Hamza* (with accusative *tanwīn*) has been added to this word by a later hand.

83 For this section of damaged text we would tentatively suggest the restoration: [יגתו לאכראם גיר סג]וד (following Yefet; cf. n. 204 below).

84 For אלשאין (الشائن), on which cf. Blau, דקדוק, §11b–a.

85 The restoration of these three words is necessarily tentative; of the supplied letters only the *he*ʾ of מ[ן ה]is vaguely discernable in our photocopy.

86 The reading of this last word is questionable.

87 I am greatly indebted to Professors Norman Golb and Wadad Kadi of the University of Chicago for their valuable suggestions on various points of reading and translation. Any deficiencies or errors in the translation are my own and offer no reflection upon them.

88 The application of this citation would seem to be that, during the reign of Ahasuerus, Israel was treated by God no differently than the Ethiopians, both peoples being made subject to the Persians.

89 "regions" — Ar. *manābir* (cf. Dozy, *Supplément*, 2:635b). The use of this term to explain Heb. מדינה

(Ahasuerus) curtailed the action of the Samaritans.[90] *In those days* — It is unclear whether the (Medio-Persian) kings which preceded him[91] reigned in Babylon, whereas this one saw fit to establish this location (as his capital).[92]

1:3 *In the third year* — It comes out (only) in this verse that something took place in his days, since the two previous verses (serve as) an introduction. During these years he was engaged in war until his rule was consolidated,[93] after which he

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— here represented by its Arabic morphological cognate *mudun* (pl.), normally meaning "town" or "city" — is paralleled by the similar explanation of Saadia, for which see n. 30 above. Likewise Salmon (MS Firk. Heb. Arab. I 4468, fol. 4r): וקֹ המלך מהדו יעני קֹזֹכֹ בלד וכאנה יסמי מתֹל אלשאם באסרה מדינהּ ומתֹל אלעראק {מת} ואלדליל עלי הדֹא קֹ אל מדינה ומדינה ככתבה "[Regarding Scripture's] statement, *who reigned from India* [*unto Ethiopia, over one hundred and twenty-seven mĕḏînâ*] — [this] means 127 countries, [each of] which was called, like the whole of Syro-Palestine and like Iraq, a *mĕḏînâ*. The proof for this is Scripture's saying: *to each mĕḏînâ according to its script*" (v. 22); and the Compilator (MS Firk. Heb. I 583, fol. 27v): מדינה כמו ארץ כנען כלה. ארץ מצרים ארץ שנער. ככתוֹ מדינה ומדינה ככתבה והדֹה אלמדן הי מתֹל דמשק וטבריהּ ואלרמלהּ "These *mudun* were like Damascus, Tiberius, and al-Ramlah."

90 This view is apparently drawn *ex silentio* from Ezra 4:6, vis-à-vis the absence of any mention of a positive response to the Samaritan accusation by Ahasuerus. In a similar vein, albeit more cautiously expressed, is the following comment by Yefet (fol. 126v): וֹכֹר פי ספר עזרא אן אלסאמרהּ סעו בישראל פי זמאנה כקֹ ובמלכות אחשורוש בתחלת מלכותו כתבו שטנה על יושבי יהודה וירושלם ולם יֹכֹר אלכתאב אנה אנאבהם בשי אצלא "[Scripture] relates in the book of Ezra that the Samaritans slandered Israel in his time, as it is said: *And in the reign of Ahasuerus, in the beginning of his reign, they wrote an accusation against the inhabitants of Judah and Jerusalem*; yet [Scripture] did not say that he agreed with them at all in anything."

91 According to Salmon (MS Firk. Heb. Arab. I 4468, fols. 3r–v), Yefet (fol. 126r–v) and the Compilator (MS Firk. Heb. II 78, fol. 14r), Ahasuerus is the third of six Medio-Persian kings, viz.: Darius the Mede, Cyrus, Ahasuerus, Artaxerxes the Lesser, Darius the Persian, and Artaxerxes the Great (cf. below *ad* 1:4). Well established among the Rabbanites, by contrast, is a four-fold enumeration (*per* Dan 11:1–2), viz.: Darius the Mede, Cyrus, Ahasuerus, and Darius the Persian, with Artaxerxes being construed as a throne name (cf. *S.ʿOlam Rab.* §30 [B. Ratner, ed., מדרש סדר עולם (Vilna: Wittwe et Gebrüder Romm; repr.; Jerusalem: Vagshal, 1988) 136–37]); Rashi *ad* Ezra 4:24; Saadia (Ratzaby, "פירוש"): פנקול אן הדֹא אלרגֹל [ר"ל אחשורוש] כאן אלמלך אלגֹ מן מלוך אלפרס אלדין מלכונא בעד אלבאבליין ודֹלך אן גמיעהם דֹ מלוך לא אכתֹר... וכל דריוש מדֹכור פי כתאב עזרא פהו ארתחשסתא לא מחאלהּ כמֹ תבינה אלדלאיל אלמתואתרהּ פי תלך אלמואצֹע בגיר תקציר.

92 This question is likewise taken up in the first of three explanations of this verse offered by the Compilator (MS Firk. Heb. I 583, fol. 27v):
דע כי דריוש מלך בבבל ושם מלך כרש מלך פרס ונתן ל[ו] יוי כל אוצרות מלכי בבל שנאמר ונתתי לך אוצרות חשך וגוֹ. ואולי היו אלו המלכים מעתיקים כסאותם בשושן הבירה. וגם אחשורוש מלך בבבל כי בבל היתה עיר המלכות מן נבוכדנאצר ובבל היתה עיר גדולה וח<ז>קה ועשר ואנשי מלחמה וכלי מלחמה. ואחשורוש העתיק כסאו משם אל שושן הבירה בשנת שלש למלכו. וֹבֹ שנים האחרות היה כסאו בבבל ונעתק מן בבל וישב בשושן והכין שם כסא מלוכה ככתוֹ ולסטר חד הקימת וגוֹ.

93 Cf. Yefet (fols. 128v–29r): פלמא מאת כורש תגלב אחשורוש עליה וקתלה ולם יתם לה אלמלך כמא ירד אלא בעד מצֹת לה סנתין יקתל קום ויראסל קום כמא קאל פי אכֹר אלמגֹלה וכל מעשה תקפו וגבורתו "When Cyrus was dying Ahasuerus overpowered him and killed him, though the kingdom was not fully his until two years had passed, [during which] he killed and banished [many] people, as it is said at the end of the scroll: *And all the acts of his power and might*" (10:2).

undertook to win the hearts of (his) subjects and kings with this banquet.[94] It may also be possible that, insofar as the people were enamored with pleasure,[95] they (simply undertook to) occupy themselves with the food and drinking, as did Beltshezzar.[96]

1:4 *And he displayed the riches* — (Scripture) mentions "riches" (*ʿôšer*) in connection with three kings of Persia: Cyrus, Ahasuerus, and Artaxerxes the Great.[97] *The riches . . . and the splendor — riches* (signifies) abundant provisions;[98] *splendor* (signifies) the splendor of the state, of the monarchy, and of the precious wealth.[99] *(Many) days* — six solar months.[100]

94 Cf. Salmon (MS Firk. Heb. Arab. I 4467, fol. 5r): מן רסם אלמלוך אדא אסתקר מלכהם אפצלו עלי קואדהם וזאדו פי ארזאקהם פלמא טהר עלי אן מא כאן אחד מנאזעה צנע סמאט לגמיע אגלי ממלכתה "Per the convention of the [ancient] kings, when their rule was consolidated they would confer benefits upon their leaders and add to their wealth; thus, when it became evident that there was no one challenging him, he prepared a meal for all the notable men of his kingdom"; Yefet (fols. 128v–29r): ראי מן אלראי אן יעמל ללעואם איצא צניע ליטייב קלוב אלרעייה(!) ויחבונה "He saw fit to likewise throw a banquet for the common people in order to mollify the hearts of [his] subjects, that they might love him"; the Compilator (MS Firk. Heb. I 583, fol. 27v): ועשה המשתה בעבור שני דברים. האֹ בעבור שבתו בכסאו בשושן הבירה. והבֹ בעבור הראותו את כבודו ועשרו ולתת להם מנחות ומשאות בעבור להטיב לבם ולהתחזק במלכותו הקדים; and again *ad* 1:5 (MS Firk. Heb. I 583, fol. 28r): משתה של רחוקים על הקרובים בעבור כי היה חפץ להראות אותם כי אני אוהב אתכם. ולא ימרדו בי(!) ויהיו תחת ידו. אבל הקרובים היו תחת ידו ולא היה חושש מזה הדבר.

95 "enamored with pleasure" — Ar.: *abnāʾ dunyā*, literally, "sons of pleasure" (cf. Dozy, *Supplément*, 1:465a) or "sons of the material world."

96 Cf. Dan 5:1–4.

97 On the procession of Persian kings per Yefet and Salmon cf. n. 91 above. Our author's association of *ʿôšer* with Cyrus and Artaxerxes the Great is apparently based upon the statement in Dan 11:2: *Behold, three more kings shall arise in Persia; and a fourth shall be far richer* (יעשיר עשר גדול) *than all of them.*

98 "abundant provisions" (*ʿudad kathīra*) — alternatively: "(royal) paraphernalia" or, perhaps, "soldiers" (cf. Dozy, *Supplément*, 2:100b–101a). Cf. Salmon (MS Firk. Heb. Arab. I 4467, fol. 5v): טהר(!) כתרה ויקצד בה אלי אלנפקאת יסארה "He showed them the abundance of his wealth"; Yefet (fol. 129r): אלואסעה "By this [Scripture] means his extensive wealth"; the Compilator (MS Firk. Heb. I 583, fol. 28r): דרכמונים וכסף וכלים ‹ה›יאמֹ את עשר הוא.

99 "precious wealth" — lit. "jewelry" (*al-jawāhir*). Cf. Yefet (fol. 129r): והו מא אטהר מן אלאלאת אלנפיסה ואלכלל "This is what he displayed of the precious vessels [or "costly royal accoutrements"; cf. Dozy, *Supplément*, 1:44b] and fancy clothing"; the Compilator (MS Firk. Heb. I 583, fol. 28r): יקר תפארת גדולתו הם האבניֹ היקרֹ כי בהם יהיה לו תפארת כתוב ויצף את הבית לתפארת. ואמר גדולתו גלה כל דבר שהיה לו עליו גדולה. כמו אמֹ וילך הלוך וגדל הם בתי השלח ואמֹ ואת ובתי הרמחים וכל דבר אבן יקרה; Saadia (Ratzaby, "פירוש," 1172 [introduction]): כבוד אטהאר אניה אלמלוך כמא קאל כבוד מכל כלי חמדה "*kĕḇôḏ* [refers to] the exhibition of the vessels of the kings, as it is said: *wealth* [*kāḇôḏ*] *of every precious vessel*" (Nah. 2:10).

100 This comment is most likely reflective of the Sasanian system of time-reckoning, which, following that of the Zoroastrians, was purely solar. The Achaemenians, however, as also the Macedonian and Parthian rulers after them, used a lunisolar system; see E. Bickerman, "Time-Reckoning," in Ehsan Yarshater, ed., *The Seleucid, Parthian and Sasanian Periods*, vol. 3(2) of *The Cambridge History of Iran* (Cambridge, Eng.: Univ. of Cambridge Press, 1983) 778–91.

1:5 *And when (these days) were completed* — It would have been impossible for (Ahasuerus) to gather all the peoples to Susa, and so he gathered together their leaders. It would also have been impossible for him to entertain the subjects (who resided in Susa) for six months, and so he made (the second banquet) for 7 days in turn, apart from the one hundred and eighty days.[101] The Jews, however, did not eat of the king's food which was forbidden, as indicated by[102] the saying of Haman: *their laws are different from those of all other people* (3:8). If, however, he had (forcibly) brought them and compelled them (to eat) that by which one is defiled,[103] they would not have given their allegiance to him;[104] yet this (king) endured because he sought to please (all) the residents of the district.[105] It would have been impossible, however, for him (to have done) likewise in any other district due to the distressful state of (the) residents therein.[106]

1:6 *Ḥûr*, etc. — (Scripture) describes the subjects'[107] sitting-area, (starting) from the

101 This distinction is likewise emphasized by Salmon (MS Firk. Heb. Arab. I 4467, fol. 6r): ובמלואת ידל אן הדה אלא איאם גיר אלקף יומא לאנה אפרד אלקף יום לשריו ועבדיו ושרי המדינות והדה אלא איאם טהרה‹ איאם כמאל ירידּ טהרה אלדי ימי ובמלואת וכדאך קא לכל העם [The expression] *And when [these days] were completed* indicates that these 7 days were different from the 180 days, for he set aside the 180 days *for all his princes and servants, and the princes of his provinces*, whereas these 7 days [he set aside] *for all the people*. Like this is [Scripture's] saying *And when the days of her purification are completed* [Lev. 12:6], which signifies the completion of the days of her purification."

102 "as indicated by"— lit. "and that which indicates this is" (ואלדי ידל עלי דלך).

103 "that by which one is defiled"— or, "that by which one is impugned" (*mā yūsʿā* [on the long *ū* cf. Blau, דקדוק, §87 *bihi*).

104 "they would not have given their allegiance to him"— lit. "they would not have taken him to themselves" (*mā yuʿālijūnahu li-ʾanfusihim*).

105 Or, "the people of the country" (*ʾahl al-balad*), the reference being to the people of the king's own country (Persia) or home province (Elam), on which cf. the comment by Yefet cited in the following note.

106 "the distressful state of (the) residents therein"— lit. "the distressedness of residents in another country (or: "province")" (*li-ʾghtimām ʾahl balad ʾāḫar*), the reference being, perhaps, to the penuriousness and resultant inability of the residents in any other district to support such a banquet. Cf. also Yefet (fols. 129r–v): ולם ימכנה יעמל מתלה ברעיה כל מן פי מלכה לאנה אמר לא יתם פפעל דלך ברעיה אהל בלד אלמלך אלמקים פיה ולא ימכנה איצא אן תכון מדה דעותהם טוילה כמא תם לה דלך פי אלקואד אד פיה פסאד איצא פגעלה פי דור אסבוע פקט "It would have been impossible for him to have done likewise for every subject in his kingdom, for the affair would never have been completed, and so he undertook such (only) for the people residing in the king's own country [or "province"; cf. the previous note]. Nor would it have been possible for the duration of the feast to be as long as it had been in the case of the governors, since such would bring ruin, and therefore he made [the feast] only for a period of one week."

107 As opposed to that of the king and his officers/nobles; cf. Yefet (fol. 129v) וגעל דעוה אלכואץ פי מגלסה מתל מא פעל בלשאצר כקו ושרי המדינות לפניו. וגעל דעוה אלרעיה פי אלצחן והו ישרף עליהם מן מגלסה אלדי הו ורוסאה פיה יאכלון וישרבון איצא "Now the feast for the distinguished [servants] he prepared in his [personal] sitting-place — just as Belshazzar did — as per the statement, *and the nobles and princes of the provinces being before him* [v. 3], whereas the feast for the subjects he prepared in the courtyard, and he would look down upon them from the sitting-place in which he and his leading men were likewise eating and drinking."

overhead covering and (progressing) downwards: *ḥûr*, — (the) canopy;[108] *karpas and tĕḵēleṯ (green and violet)* — the coloring of the curtains; *fastened* — (this refers to the) joining together of the canopy and curtains;[109] *couches of gold and silver* — (they were) overlaid with silver, and their posts[110] with gold, or vice-versa.

1:7 *Drinks (were served in golden goblets, goblets of) different kinds* — The designs[111] (on the goblets) varied,[112] and each o[n]e (of the guests) would be granted that which he desired, or else each round would be (carried out in) a certain (fixed) manner.[113] (Scripture) makes no mention of the food.

108 This explanation of *ḥûr*, which includes the denotation "white," is likewise given by Yefet (for which see the following note). Cf. also Salmon (MS Firk. Heb. Arab. I 4467, fol. 6v): פסרת חור ביאץ מתל שלשה סלי חורי ואיצא כתלג חור "I have explained *ḥûr* [here] as 'white,' as [in] *three baskets of white bread* [*ḥôrî*] [Gen 40:16], and also *like white* (*ḥiwwār*) *snow* [Dan 7:9]"; and the Compilator (MS Firk. Heb. I 583, fol. 28v): אמר חור הוא לבן כמו כתלג חור. אבל היו לבנים דקים כמו ואורגים חורי; S. L. Skoss, ed., *al-Fāsi, Kitāb Jāmī al-Alfāẓ*, YOSR 20 (New Haven: Yale Univ. Press, 1936–45; repr., New York: AMS Press, n.d.) 528: תיאב ביץ, "white cloth."

109 On this description of the banquet area cf. also Salmon (MS Firk. Heb. Arab. I 4467, fol. 6v): פקאל אן הדא אלבסתאן כאן(!) מעלק(!) פיה סתור חריר אביץ ופרפיר ואסמנגון "[Scripture] then relates that within this garden there were suspended curtains of white, purple, and azure silk"); Yefet (fol. 129v): פרצף אסמא(!) וסתורה ואסרתה וארצה כקו הור כרפס ותכלת ישיר בה אלדי(!) סמאה יעני סקפה והו אנה געל לה שביה בכימה מן הדא(!) אללואן אלמכתלפה לאנה לם ימכנה אן יקימון תחת כשף לילא ונהארא ודלך אנה אקאם עמד מרתפעה צפוף והי עמד רכאם לתכון מקאם אלחיטאן תם אנה אסקפהא כלהא מן עמוד אלי עמוד תם פצל בינהא בסתור תפצל בין מגלס ומגלס כקו על גלילי כסף ועמודי שש.

"[Scripture] describes the [banquet area's] canopy, curtains, couches, and floor, as it is said, *ḥûr karpas û-ṯĕḵēleṯ*, by which (Scripture) refers to its canopy — that is, its overhead covering. And he made for himself something resembling a pavilion from these various colors since it would have been unfeasible for [the people] to stay under the openness of night and day, and therefore he set up in rows tall pillars of marble in order that there might be a place for the walls, then he stretched a canopy from pillar to pillar, dividing between them with curtains so as to separate each sitting area from the other, as it is said, *on silver rings and marble pillars*"; and the Compilator (MS Firk. Heb. I 583, fol. 28v): והודיע כי נטו על החצר ההיא יריעות כמו חופה מלמעלה [oo] עליהם לכבודם. או בעבור השמש כי היה קיץ . . . דע כי נטה ממעל לחצר כמו חופה עליהם יריעות והיו היריעות צבועים מינים מינים. והיו אחוזים היריעות בחבלי בוץ וארגמן.

110 *Ar. arānīs*, of which the precise meaning here is unclear (cf. Dozy, *Supplément*, 2:122b; J. G. Hava, *Al-Farâ'id Arabic-English Dictionary* [5th ed.; Beirut: Dar el-Mashreq, 1982] 468b).

111 Or: "the engravings" (*al-nuqūsh*).

112 Cf. the Compilator (MS Firk. Heb. II 78, fol. 15v): וא שונים. זה מחלף מזה בתואר.

113 I.e., the reference to "goblets of different kinds" is taken to mean either that the guests were presented with a choice of goblets from which to take their drinks, or else that each guest drank successively from a variety of goblets as the drinks were replaced at regular intervals. For both explanations cf. Yefet (fol. 130r): in וגעל אקדאחהם וקנאניהם מן דהב וגעלהם משכלה אלאלואן חתי יכון כל דור לן או ישרב כל ואחד באניה יכתארהא "He made their goblets and flasks of gold and also made them of different kinds, in order that each phase [of drinking] might be [according to each] kind, or else [that] each [guest] might drink from the vessels which he preferred"; and the Compilator (MS Firk. Heb. II 78, fol. 15v): והשתיה כדת. א כדת כמנהג כל איש ואיש. דא כדת המלך לא חלפו. The first explanation is also attested, with some variation, by Salmon (MS Firk. Heb. Arab. I 4467, fol. 7v): אדא אחצרו ללחאצרין אלאת פאסתחסנוהא פיחצרו להם אלאת אחסן(!) מנהא ולא יזל אלאמר עלי הדה אלחאל אלי אן תמת איאם אלולימה ואנקצת, "When they brought out vessels to the guests and they

1:8 *And the drinking was according to the law* — (Ahasuerus) ordained that they should do for each one whatever he desires, for he intended that they should be merry.[114]

1:9 *Also Vashti* — It is possible that she undertook a social gathering like the one previously mentioned — (i.e.,) 180 days for the (chief) ladies,[115] and, for the (other) women and (female) subjects, a week. It may also be possible, however, that she threw (a banquet) only for seven days for the (chief) ladies, exclusive of the (other female) subjects.[116]

1:10 *On the seventh (day)* — Some people maintain that he erred with regard to this utterance and that (his) intoxication carried him away. Others consider him (to have been) exceedingly impetuous[117] in all[118] of his affairs,[119] as also Elihu ben Barachel.[120] Still others are of the opinion that he was sagaciously prudent,[121]

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approved them, they would bring out to them vessels better than those, and this state of affairs would continue until the days of the banquet were completed and had passed."

114 Cf. Salmon (MS Firk. Heb. Arab. I 4467, fol. 8r): פלא ימנע עַן מא יחב ויעמל רצא כל מן הו עלי רצאה אלמלך אן יקצד רצא אלנאס ולא יקהר אחדא פאן אדא [ראה בלאו, דקדוק, עמ׳ 252, הע׳ 15] קהר עלי מא לא יחב אנקלב סרורה ולהדא אלמעני אמר "[The king] would not hold back from that which [any guest] desired, but would undertake the good will of each one according to his desire; yet if he had forced [upon any guest] that which he did not desire, [that guest's] happiness would have been overturned, and for this reason the king commanded that the good will of the people be sought, and no one compelled"; Yefet (fol. 130r): ולם יקהרה עלי מראדה ליסלי קלובהם "He didn't force the intention [of any guest], in order that he might cheer their hearts."

115 "(chief) ladies" — Ar. *sittāt*, which may also signify (although probably not here) "concubine" (cf. Dozy, *Supplément*, 1:631a).

116 Our author's comment on this verse would appear to be a borrowing, in inverted form, from Yefet (fols. 130r–130v): עמלת מתל מא עמלת דלך ללנסא אמא אן יכון עמלת סבעה איאם תם ערף אן גוזתה(!) פקט פכאן אלרגאל פי אלצחן ואלנסא מע אלמלכה פי דאר אכרי או יכון כאן ענדהא נסא אלרוסא פי אלסתה שהור מתל מא כאן ענד אלמלך "[Scripture] then indicates that [Ahasuerus'] wife did for the women like he had done [for the men] — either she threw [a banquet] only for seven days, [during which] the men were in the courtyard and the women with the queen at another site, or else the chief ladies were with her for the six months, similar to that which had taken place with the king."

117 Or: "[consider him to have been exceedingly] irrational" (*yujahhilūnahu*).

118 Ar. *sā᾽ir*, for which, in the sense of "all," cf., *inter alia*, Blau, דקדוק, §228, n. 23.

119 These first two explanations are quite likely borrowed from Yefet (fol. 130v): וקאל קום אן אלמלך כאן גאהל פי סאיר אמורה והדה אחדהא ונדם עלי [דלך] וקאל קום אכר אן אלסכר חמלה עלי דלך נקו כטוב לב המלך ביין וגו ולו כאן צאחי לם ירץ בדלך "Some people say that the king was impetuous in all of his affairs, and this is one of them which he regretted; yet other people say that [his] intoxication brought him to this, as it is said when the heart of the king was merry with wine, though if he had been sober he would not have desired such." Yefet himself favors the first view. Regarding the latter view cf., among the Rabbanites, Joseph Kara (Jellinek, פירושים): ביום השביעי כטוב לב המלך ביין שתה שלא במידה ואמר בשכרותו להביא את ושתי המלכה להראות יפי׳ שדבר גנאי הוא אפי׳ להדיוט להראות יופי אשתו לרבים וכל שכן למלך.

120 I.e., Job's fourth respondent; cf. Job 32:2ff.

121 "sagaciously prudent" — Ar. *ḥakīm ᶜāqil*, which expression, in the feminine, is also employed by Yefet in his commentary on Proverbs to explain the phrase פיה פתחה בחכמה in 31:26 (*per* MS Firk. Heb. I 578, fol. 163v).

the kings (of Persia) having decided that they should distinguish themselves[122] by the showing of their wives, as it is said: *and the queen was sitting beside him* (Neh. 2:6).[123]

1:11 *To bring* — In their opinion the attractive or intelligent person had within him (a certain measure of) divinity, and thus Ahasuerus sought to show them that he had become complete;[124] yet *the end of joy was mourning* (Prov 14:13).

1:12 *But (Queen Vashti) refused* — Some people commend her (for this refusal) and some people criticize her. Most likely, she may[125] have perceived something which did not please her, or else she did not desire that the common people should gaze upon her.[126]

1:13 *Then the King said* — He was not wont to act rashly[127] concerning the affairs (of his rule). *(Who knew) [the] times* — (who knew) the minutes of the annals of the kings, whether or not something similar had taken place in connection with another such (king).[128] *For so was (the king's) manner* — thus had every king (of Persia) determined, (that) whenever a difficult issue would come before him he would seek advice concerning it. *Dāṯ* — (their) customary practices,[129] (as) in

122 "distinguish themselves" — or: "draw honor to themselves" (*yatajammalū*), for both of which senses cf. Dozy, *Supplément*, 1:218a.

123 Cf. the Compilator (MS Firk. Heb. II 78, fol. 15v): היה מנהג למלכי פרס שתשב המלכה לגני המלך בעת המשתה כֹּ֫ והשגל ישבת אצלו. וזה היה כבודם.

124 I.e., that his stature as king was perfected, so to speak, by virtue of his wife's beauty (cf. above *ad* 1:10).

125 On the syntax here of *fa-laᶜalla*, which normally takes either the accusative or genitive (cf. W. Wright, *A Grammar of the Arabic Language — Translated from the German of Caspari and edited with Numerous Additions and Corrections* [2 vols., 3d ed.; revised by W. Robertson Smith and M. J. de Goeje; Cambridge, Eng.: Cambridge Univ. Press, 1955] vol. 2, §§36, rem. f; 42, rem. g), cf. Blau, דקדוק, §220.

126 On this latter option cf. Yefet (fol. 130v): והי אנפת אן ינטרוהא אלעואם "She disdained [the idea] that the common people should gaze upon her." Cf. also the Compilator (MS Firk. Heb. II 78, fol. 15v): אֹ֫ ותמאן המלכה רוֹ֫. ויש שאלה על זה למה מאנה לבוא. תשׁ֫ פחדה שיֹ֫א אחד מהם כי בתי או אשתי יפה ממנה. דֹ֫א יראה כי אולי אם(!) יצא יין המלך ממנו וישמע המלך כי ראו אותה ויהרגנה כי יאֹ֫ אני שכור והייתי ולמה קבלת ממני; and, on the Rabbanite side, Joseph Kara (Jellinek, פירושים): ותמאן המלכה ושתי לבא, שגנאי הוא לכל אשה חשובה שתראה יופ֫ לרבים.

127 "to act rashly" — Ar. *yahjumu*, on which cf. E. W. Lane, *An Arabic-English Lexicon* (8 vols.; London: Williams & Norgate, 1863–1893; repr., New Delhi: Asian Educational Services, 1985) 8:3041c.

128 This comment may well derive from Salmon (MS Firk. Heb. Arab. II 3295, fol. 1r): כאן מן רסם מלוך אלפרס אדֹ֫א חדתת להם חאדתה אחצרו אלעלמא וסאלוהם ען אלואגֹ֫ב פי אלחכם פאן כאן שי קד גרי מתלה אחתמלה ואמצֹ֫אה עלי חסב מא פעלה גירה ממן תקדם מן אלמלוך "It was a convention of the kings of Persia when a new event took place, [that] they would fetch the learned men and ask them about that which was proper [to do] according to the law. If, therefore, something similar had already taken place, [the king] sustained and endorsed [the matter] in accordance with that which the other one of the kings who came before had done." Cf., otherwise, Yefet (fol. 132v): הם קום יערפון דין אלפרס וסננהם ואחכאמהם "They are the people who know the laws of the Persians, as well as their customs and judgments"; and the Compilator (MS Firk. Heb. I 583, fol. 29v): ויאמר המלך לחכמים יודעי העתים. עתי המלכות מה ראוי לעשות בזה העת.

129 Ar. *sunan*, construed by us as the plural of *sunna* (cf. below *ad* 1:15), as opposed to the synonymous singular lexeme (cf. Hava, *Al-Farâʾid*, 338b), vis-à-vis the following explanation of *dīn* by the pl.

the saying: *according to the custom (dāṯ) of the Medes and Persians* (Dan 6:9,13). *And dīn* – their legal judgments.[130]

1:14 *And the (men who were) next (to him)* – These 7 were the elite[131] of the "wise men."[132] *Who sat first* – It is said that they supported[133] a (rival) king, and (Ahasuerus) removed them (temporarily) in order to subdue them.[134] It is (alternatively) said (that they were those) who sat at the beginning – that is, who organized that (particular) reign. (Yet) again, it is said (that they were those) whom (Ahasuerus) installed first – that is, that they were the first of those to whom he gave dominion.[135]

1:15 *According to the dāṯ* – He inquired after the customary practice, but did not inquire after the legal judgment, since he knew it; he desired (to implement) the common law,[136] which was of foremost importance to them.

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aḥkām. Cf. also Salmon (MS Firk. Heb. Arab. II 3295, fol. 1r [trans.]): אלסנה ואלחכם; Yefet (fol. 131r [trans.]): סנה וחכם; and Saadia (per Kāfiḥ, אסתר): אלסנן ואלאחכאם; as well as, on this lexical equation of *dāṯ*, Skoss, *al-Fāsi, Alfāz*) 1:412: רסום וסנן; Ibn Janāḥ (Neubauer, *ʾUṣūl*, col. 168) (*ad loc.*): سنّة.

130 On this explanation of *dīn* cf. also, in addition to the renderings of Yefet and Saadia cited in the previous note, Ibn Janāḥ, per W. Bacher, ed., *Sepher Haschoraschim: Wurzelwörterbuch der hebräischen Sprache von Abulwalid Merwân Ibn Ganâḥ (R. Jona). Aus dem Arabishchen in's Hebräische übersetzt von Juda Ibn Tibbon* (Berlin: H. Itzkowski, 1896; repr., Jerusalem: n.p., 1966) 115 (*ad loc.*): ומשפט (absent from the Arabic).

131 Or: "most celebrated" (*akhaṣṣ*). Cf. Yefet (fol. 132v): וקו והקרוב אליו יריד בה אנהם קריבין פי אלמנזלה ליס אקרב מנהם אלי אלמלך פי מגלסה "By the expression *the closest to him* [Scripture] means "those close in rank"; no one was closer to the king in his assembly than they."

132 I.e., the *ḥăḵāmîm* just mentioned in v. 13. Likewise the Compilator (MS Firk. Heb. I 583, fol. 30r): in אמ והקרוב מע אל המלך היו חכמים רבים יודעי העתים. אבל והקרוב אל המלך מן אלה החכמים היה כרשנא וחבריו.

133 "they supported" – lit. "they had" (*kāna lahum*).

134 The clause *kāna lahum malik* is somewhat ambiguous, and may also be taken to indicate their service to a previous (Persian?) king, who, for whatever reason, removed them from the royal court in order to abase them (*li-yudhillahum*). In both this and the following explanation *riʾšônâ* is construed in a temporal sense.

135 "to whom he gave dominion" – or: "whom he made kings" (*mallakahum*). Cf. also Yefet (fol. 132v): וקולה היושבים ראשונה במלכות יריד בה אנהם כאנו מקדמין פי אול אלאמר לאנהם שדו עלי ידה ועצדוה פלדלך געלהם אגל קואדה "By the phrase *who sat first in the kingdom* [Scripture] means that they were chiefs in the beginning, for they strengthened his hand and supported him and therefore he appointed them the most esteemed of his rulers." A different view is taken by Salmon (MS Firk. Heb. Arab. II 3295, fol. 1v): וכדאך נעלם אן מלוך אלעגם כאן להם ז וזרא כך די מן קדם מלכא ושבעת יעשוהי(!) כאן לישראל ז מן קבלהם כך משבעה משבי טעם וכדאך האולי אלז כאנו וזרא "We know that the kings of Persia had 7 advisors, as per the saying, *from before the king and his seven advisors* [Ezra 7:14], and so too did Israel have 7 before them, as per the saying, *than seven who answer* [*with*] *discretion* [Prov. 26:16]; likewise were these 7 [in Esther] advisors."

136 "common law" (*al-siyāsa*) – or, perhaps, as per Persian usage: "[proper] punishment" (cf. Dozy, *Supplément*, 1:701b–702a). Cf. also the continuation of Salmon's comment *ad* verse 13 cited in n. 128 above (MS Firk. Heb. Arab. II 3295, fol. 1r): ואן כאן לם יחדת מתל חלך אלחאדתה פידברוה אלעלמא בלטף אלסיאסה "If, however, something like this [new event] had not [previously] taken place, the learned men would address it with the graciousness of the common law."

1:16 *Then Memucan said* — (Scripture) mentions him exclusive of the others, and he is also the last of them in the list (of the seven princes). It is possible, therefore, that the (other) six said (to themselves), "Of (all of) us he is the least acquainted with the customary practice," yet they were dumbfounded (seeing that) he was acquainted (with it); or else what they said was not recorded[137] since (Ahasuerus) did not act upon it, whereas, regarding this one, (the king's) scribe set down (all that he said) since he was granted distinction[138] over (the others).[139] (However, since) Memucan related all that which pertained to this affair, the most likely (explanation) is that (the king) dismissed those who were with (Memucan) and then afterwards asked (him) for advice.[140]

1:17–18 *For the deed of the queen . . . and this day* — (Memucan) explained what would follow from this affair, and by the statement *there will be contempt and wrath in plenty* he means, "and to the same extent that contempt is generated by the wives for their husbands, (so too) shall discontent[141] be generated."[142]

1:19–20 *If (it is pleasing) to the king . . . and when (the decree made by the king) is proclaimed, (etc.) — that it not be altered* — (i.e.) "that this affair not pass away (from memory) with the result that it be misrepresented."[143] Or, it is said, "that this decree[144] not pass away, but be (permanently) established." And again it is said,

137 "what they said was not recorded" — lit. "they said what was not recorded" (*qālū mā lam yudawwan*).

138 "he was granted distinction" — lit. "distinction befell him" (*ḥaṣala lahu sharaf*).

139 I.e., he was distinguished over the others by virtue of the fact that the king took his advice and not theirs. Cf. Yefet (fol. 132v): פערף אן ממוכן אבתדי באלקול והו אלסאבע פליס יכלו דלך מן אחד אמרין אמא אן יכון לכל ואחד מן אלסבעה נובה פי אן יאכד אלמלך ראיה פאתפק אן הדא(!) אלדפעה כאנת אלנובה לממוכן ואמא אן יכון קאל כל ואחד מא ענדה ולם יחסן ענדהם גיר קול ממוכן פלדלך דכרה אלמדוון דון גירה "[Scripture] indicates that Memucan commenced to speak even though he was the seventh, yet they did not ignore [what he said] for one of two reasons: either each one of the seven would have a turn during which the king would solicit his advice, and it was agreed that this instance was the turn of Memucan; or else each one gave his advice and none was deemed fitting but the advice of Memucan, and therefore the writer (*mudawwin*) mentions him exclusive of the others."

140 The pronominal referents in this last explanation are somewhat obscure, although the author's intention would seem to be that Memucan was the only one of the seven to express appropriate foresight in elaborating the consequences of Vashti's refusal, and thus it was from him alone that the king sought further counsel regarding the proper response. Cf. also Yefet (fol. 133r): תם בעד אן דכר מא יאול אליה אלאמר מן אלפסאד אדא אמסך ענה אשאר במא ענדה "After indicating the mischief to which the matter would lead if [the king] refrained from [addressing] it, he offers his own advice"; and the Compilator (MS Firk. Heb. I 583, fol. 30r): ויאמר ממוכן לפני המלך והשרים. שאל לשבעה וענה האחרון כי אלה הו פחדו שלא אמרו דבר על אשת המלך ואחר כן יצא יין המלך ממנו ויהרגם.

141 Ar. *sukhṭ*, here intended as a semantic parallel to Heb. *qeṣep*.

142 Cf. also the unusually free translation of this phrase by Yefet (fol. 131v): ומקדאר מא יגפל אלמלך ען תגייר דלך תחקר אלנסא אזואגהן ויסכטו אלרגאל עליהן "and [to] the same degree that the king neglects changing this [situation], so shall the women decry their husbands and the men resent them."

143 "with the result that it be misrepresented" — lit. "and thus there be inaccuracy concerning [or, perhaps, "dissension about"] it" (*fa-yakūn fihi ʾl-fasād*).

144 Ar. *rasm*, which may also be taken in the sense of "report," referring to the affair in its entirety.

"that no man shall violate[145] this thing which I have suggested."[146] *For (it) is great* — the proclamation[147] was great, (for) it is said that this proclamation was extremely important; or else (the reference is to) great calamity, (since) it was a vast kingdom.[148]

21–22 *And the saying (was pleasing) . . . and he sent letters, (etc.) — and speak according to the language of his people* — Along with (each) letter was (sent) a messenger to explain it. It is also explained that each (man) was to be invested with authority in accordance with his own ideology,[149] and (one) must not disobey him."[150]

2:1 *After (these) things, etc., — he remembered* — he remembered his intimacy with

145 Ar. *wa-lā yajūzu*, representing, as in the previous two glosses, a literal rendering of Heb. *wĕ-lōʾ yaʿăḇôr*, albeit here apparently intended in the sense of "shall not alter" (cf. the LXX: καὶ μὴ ἄλλως χρησάσθω).

146 The first and third of these explanations are likewise given by Yefet (fol. 133r): וקוֹ ולא יעבור יעני ולא יתגאוז אחד אמר אלסלטאן או יכון אראד בה לא יגוז הדה(!) אלבאב ולא יקע פיה תגייר "He then says *that it not be altered* — that is, that no one violate the decree of the ruler, or else he meant by it that the matter not pass away and [so] inaccuracy set in concerning [the truth of] it." Cf. also Saadia (per Kāfiḥ, אסתר): וירסם פי סנן פארס ומאהאת אלדי לא יזול ולא יתגאוז "And let it be written in the laws of the Persians and Medes so that it not pass away and [no one] violate [it]."

147 Ar. *al-qiṣṣa* (cf. Dozy, *Supplément*, 2:352a), here employed for פתגם.

148 The syntax of this second explanation is somewhat obscure, and it may be possible that a conjunction — perhaps *idh* — was omitted before *hiya* (cf. n. 70 above). The sense, as we have taken it, would seem to be that *kî rabbā hîʾ* refers to the enormity of the potential unrest described by Memucan in vv. 16–18, which unrest would likely be felt in every household throughout the vast kingdom. Cf. also the two explications of this phrase given by Yefet (fol. 133r): וקוֹ כי רבה היא אמא אן יכון אראד בה כבר אלמלכה וסעתהא ואמא אן יכון ירידּ בה אנה באב כביר אדא אנחסם "Regarding [Scripture's] expression *for it is great* — either he meant by it the greatness and extent of the kingdom, or else he meant by it that the matter would be of great importance once it was decided," of which the former is followed by Yefet in his translation (fol. 132r: פאנהא כבירה, "for it is large"). Cf. also the Compilator (MS Firk. Heb. I 583, fol. 30v): ואמ כי רבה היא מע כי [. . .] רבה עשתה ושתי דבר גדול. דא הגזרה אשר בעבור [ו]שתי רבה היא. דא כי רבה היא המלכות שהיא ת[. . .]; Rashbam (per Jellinek, פירושים): כי רבה היא, מלכות ממשלות מדינות מדינות ועל כן יש לו לגלות המעשה מאד.

149 "ideology" – or: "custom," "creed," "philosophy (of life)" (*madhhab*); cf. Yefet in the following note.

150 Both of these explanations, which concern the latter phrase quoted, are given by Yefet (fols. 133r-v): ואמר אלנאס אן יכון כל רגל יאמר וינהי עלי זוגתה ולא תכאלפה וקוֹ ומדבר כלשון עמו קיל פיה אן מע כל כתאב רסול יערף לגה אהל דלך חתי יקרא עליהם אלכתב(!) ויחכי להם אלכבר כיף גרי וקיל איצא אנה אראד בה ויכון כל רגל יאמר חרמתה בחסב דינה וסנתה "He charged the people that each man should command and constrain his wife, and she must not disobey him. With regard to the expression *and speak according to the language of his people*, it is said that with each letter was [sent] a messenger who knew the language of the people of that land so that he might read them the letter and relate the matter to them just as it had happened. It is also stated that [the king] intended thereby that each man should command his wife in accordance with his creed and custom." Cf. also the Compilator (MS Firk. Heb. I 583, fol. 30v): ואמ ומדבר כלשון עמו. יהיו האנשים כמנהגם. וכתוב וכתורתם. ויכתבו כתיבה שלהם כמנהגם וכחקם. דא שלח עם הכתב תרגמן שידבר כלשון עמו; and, among the Rabbanite exegetes, Joseph Kara (per Jellinek, פירושים) (or perhaps the anonymous compiler of the work in which his comments are found): השליח המוליך את הספרים מדבר כלשון עם שהוא שלוח שם.

her;[151] *and what she had done* — her spurning[152] (of his summons);[153] *(and what) had been decreed (against her)* — that she should not (again) come to him.

2:2 *Then the King's servants who attended him said* — The servants (were able to) speak (to him) of this matter due to his intimacy with them, as (was also the case with) the servants of David.[154]

2:3–4 *And let (the king) appoint, (etc.) — and (let) the maiden* — each maiden had a year for compliance (with the cosmetic preparations), as (Scripture) explains in following.[155]

2:5 *(There was) a Jewish man* — At this time he was about 80 years old.[156] It is

151 Cf. Yefet (fol. 134r): וקוֹ זכר את ושתי אראד בה דכר עקלהא וחסנהא ומחבתהא לה ומחבתה להא "By the expression *he remembered Vashti*, [Scripture] means [he remembered] her intelligence and her beauty, as also her love for him and his love for her."

152 Ar. *khas²uha*, or *khis²uha*, a Form I verbal noun of *khasa²a*.

153 Cf. Yefet (fol. 134r): וקוֹ ואת אשר עשתה ירייד בה מכאלפתהא ללמלך חתי גצב עליהא "By the expression *and what she had done*, [Scripture] means her disobedience towards the king so that he became cross with her."

154 See 1 Sam 25:9ff.

155 See v. 12.

156 Cf. Yefet (fol. 136v): וכאן פי הדה אלחין שיך לאנה אגלי פי וקת מצי מן מלך בבל סבע סנין פבקי מן מלך בכל תלתה וסתין סנה ומן מלך אלמגוס סנה לדריוש ותלתה(!) ‹לכורש› ומן מלך אחשורוש סנין סבע סנין גמלה דלך ארבעה וסבעין סנה וליס נדרי כם כאן לה פי וקת גלותה "At this time [Mordecai] was an old man, for he had been exiled in the past in the seventh year of the rule of Babylon, continuing on sixty-three years for the reign of Babylon, and then, for the reign of Magians, a year for Darius, three years for Cyrus, and seven years for the reign of Ahasuerus, the total of which is seventy-four years; we do not know, however, how old Mordecai was at the time of his exile"; and, offering a somewhat different computation, Salmon (MS Firk. Heb. Arab. I 4468, fols. 6r–v [*ad* 2:7]): פי וקת הדה אלחאדתה נגדה שיך כביר ועלי אלאקל מא יכון מן אלחסאב נגדה אבן תסעין סנה לאנה אגלי מע יכניה כ׳ אשר הגלה וג׳ וכאנת גאלית יכניה פי סנה ח׳ מן מלך נבודכ׳(!) כ׳ ויקח אתו מלך ‹ב›בל פעאש באקי מלך נבוכד׳ ואבנה אויל ואבן אבנה בלשצאר ס׳ב סנה ומלך דריוש א׳ סנה ומלך כורש ג׳ סנין ומלך אחשורוש י׳ב סנה אלי אן חדת הדה אלחאדתה כ׳ בחדש הראשון הוא הדש וג׳ ואקל מא כאן עמרה י׳ב פלדלך צ׳ סנה.

"At this time we find Mordecai [to be] a distinguished old man, and according to the least possible calculation we find him [to be] ninety years old, for he was exiled with Jeconiah, as per the saying, *who had been carried away, etc.* [2:6], the deportation of Jeconiah having been in the eighth year of the reign of Nebuchadnezzar, as per the saying, *and the king of Babylon took him* [2 Kgs 24:12]; he then lived on, continuing [through] the reign of Nebuchadnezzar, and his son Evil[-merodach], and his grandson Belteshazzar, 62 years; and King Darius, 1 year; and King Cyrus, 3 years; and king Ahasuerus, 12 years, until this event took place, as per the saying, *In the first month, which is the month* [*Nisan*], *etc.* [3:7]. Also, the least that his age would have been [at the time of the deportation] was 12 years; thus, he was 90 years old." Cf. also *idem ad* 2:6 (MS Firk. Heb. Arab. II 3295, fol. 2v): אשר הגלה בעד מא קאל איש יהודי ויקול פי אלאכר איש ימיני ק׳ אנה כאן מן ירושבי ירושלים לאן בנימ‹י›ן כאן להו(!) נחלה פי ירוש׳ כ׳ וצלע האלף וג׳ "*Who had been carried away* is [to be construed] after the expression *a Judean man*, at the end [of which verse Scripture] says *a Benjamite* — which is to say that he was from among the inhabitants of Jerusalem, for Benjamin had an inheritance in Jerusalem, as per the saying, *and Zelah, Ha-Eleph, [and the Jebusite — that is, Jerusalem]* (Josh 18:28; cf. also 2 Sam 21:14." The Compilator, perhaps borrowing directly from

possible that Jair was his father, Shimei his grandfather, and Kish his great-grandfather;[157] (yet) it may also be the case that Kish is the progenitor of Saul,[158] and Shimei the son of Kish (and so the brother of Saul), and Jair the son of Shimei, without interruption.[159]

2:6 *Who had been carried away* — He was (one) of "the good figs" (Jer.24:3ff.);[160] though he did not re[t]urn with the people to Jerusalem.

2:7 *And he was bringing up, etc.* — "Esther" in the Persian language (means) "star," and by such she was called when she arrived at the king's residence.[161]

2:8 *And it came about when (the king's order and his edict) were heard* — (Ahasuerus) knew nothing about her except after a long period of time.[162]

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our commentary, has (MS Firk. Heb. I 583, fol. 31v [*ad* 2:6]): וזה הפסוק מלמד כי היה מרדכי במעשה המן זקן כמו בן פֹּ שנה; *idem* (MS Firk. Heb. I 583, fol. 32r [*ad* 2:7]): והראיה כי היה זקן כי [מ]גלות יכניה ועד היום ההוא קרוב לע׳ או לפֹּ שנה כמו שכתבנו למעלה.

157 Cf. Ibn Ezra: ואילו היה אבי שאול היה מזכיר שאול כי הוא מלך ולא אביו ע״כ לא נדע אם מרדכי היה מבני שאול אם לא.

158 Such is the view taken by Yefet (fol. 136v): וערף אנה כאן מן אולאד קיש אבו שאול מן שבט בנימין כמא קאל בן קיש איש ימיני "[Scripture] indicates that he was [one] of the children of Kish, the father of Saul, from the tribe of Benjamin, as it is said, *the son of Kish, a [Ben]jaminite*"; and, tentatively, the Compilator (MS Firk. Heb. I 583, fol. 31v): וזה שאמֹ קיש אולי הוא אבי שאול ו[. . .] כמו אמר עכן בן זרח והוא עכן בן כרמי בן זבדי בן זרח. וכן עזרא בן שריה.

159 "without interruption" — lit. "without mediacy" (*bi-lā wāsiṭa*), which comment may well have been motivated by the separation posited in rabbinic tradition between Shimei, taken as Mordecai's grandfather, and Kish, taken as the father of Saul (cf. Grossfeld, *Two Targums*, 210).

160 So Salmon (MS Firk. Heb. Arab. I 4468, fol. 6r): ואמא קוֹ עם הגולה לידל אנה מן התאנים הטובות "As to [Scripture's] saying, *with the exile* — [this is] to indicate that he was [one] of *the good figs*"; Yefet (fol. 136v): ועלֵּף אן אצלה מן ירושלם ואנה אגלי פי גמלה גלות יהויכין והי אגֵּל אלגליאת והם אלמסמאין תאנים טובות "[Scripture] indicates that his stock was from Jerusalem and that he was exiled along with the entire exile of Jehoiachin, which (represented) the select of the exilees, those who are called *good figs*"; and the Compilator (MS Firk. Heb. I 583, fol. 31v): ואמר אשר הגלה. הוא מן התאנים הטובות.

161 Cf. Yefet (fol. 137r): וכאן אסמהא בלגתנא הדסה ותפסירהא אסהֹ פלמא צארת ענד אלמלך סמית אסתר והי בלגהֹ אלפארסיהֹ כוכב "In our language her name was Hadassah, the translation of which is 'myrtle,' though when she arrived at [the court] of the king she was called Esther, which in the Persian language [means] 'star.'" Cf., by contrast, Salmon (MS Firk. Heb. Arab. II 3295, fol. 10r): ולֹ את הדסה ידל אן כאן להא אסמין הדסה ואסתר עלי רסם(!) אלמתעארף ענד ישראל אנהם כאנו יסמון אלרגאל ואלנסי באסמין אסמין . . . פן דלך קוֹ פי רחבעם ואחריה לקח את מעכה תם יורי פי מא בעד הדֹה אן מעכה כאן אסמהא מיכ[יה]ו ואן כאן אסם אבשלום אוריאל כֹּ פי אביה שלוש שנים מלך "[Scripture's] saying, *Hadassah, [that is Esther]*, indicates that she had two names — 'Hadassah' and 'Esther' — per the generally accepted convention in Israel — [namely,] that they would name men and women with two names each . . . an example of such is [Scripture's] statement concerning Rehoboam, *And after her he took Maacah* [2 Chr 11:20], and then it shows in that which [comes] after this that Maacah's name was [also] 'Micaiah' [2 Chr 13:2]; and the name of Abishalom [1 Kgs 15:2] was [also] 'Uriel,' as per [Scripture's] statement concerning Abijah, *He reigned three years [in Jerusalem; and his mother's name was Micaiah the daughter of Uriel]* [2 Chr 13:2]."

162 Cf. Yefet (fol. 138r [*ad* 2:16]): תם דכר אלוקת אלתי דכלת אלי אלמלך לנעלם אן אלמלך בקי בגיר מלכהֹ

2:9 *And the maiden was pleasing, etc.— In his eyes* — referring to Hegai.[163] *Hā-rĕʾûyôṯ* — it is said (this means) "the select ones," whom Esther selected from among the Jewish (maidens);[164] (yet) it is also said (this means) "the obligatory ones."[165] *And he transfered her* — He transferred her from (one) location to (another) location for the purpose of distinction.[166]

2:10 *Esther had not made known* — The most likely (explanation) is that she was afraid that, if she had revealed her [relig]ion, she would have been targeted with derision and (the precepts of) her religion would have been unable to be fulfilled by her; yet, by reason of her secrecy, she was able to fulfill several (such precepts), though if she had resisted (completely) she would have been killed.[167]

ארבע סנין והלהה שהור "[Scripture] indicates the time [during] which Esther went in to the king so that we might know that the king remained without another queen for four years and three months"; and the Compilator (MS Firk. Heb. I 583, fol. 33v [*ad* 2:16]): ואמר בחדש העשירי . . . להודיע כי בשנת שלש למלכו נהרגה ושתי. ועשו ד שנים קברן הבתולו או ג שנים ושנה בבשמים.

163 Cf. Yefet (fol. 137r): וערף אנה כמא חצלת אסתר ענד הגי רזקהא אללה תע חסד ענדה ווקע לה אנהא תכון אלמלכה בעד ושתי פבאדר במא יצלח חאלהא פי גסמהא "[Scripture] indicates that, when Esther came into the care of Hegai, God blessed her with grace in his eyes and it occurred to him that she would be the queen in place of Vashti; thus he expedited that which would improve the condition of her body"; and the Compilator (MS Firk. Heb. I 583, fol. 32v): ותיטב הנערה בעיניו. בעיני הגי שומר הנשים.

164 So Yefet (fol. 137r): וקאל הראויות יעני מכתאראת טלבתהן הי אעני אסתר וכאנן יהודיאת ידלנא עלי דלך קולהא גם אני ונערותי אצום כן פלולא אנהן מן בנאת ישראל לם יגתמן מעהא "[Scripture] says *hā-rĕʾûyôṯ* — that is, '[the] select ones' whom she [i.e. Esther] requested, and [who] were Jewish [maidens], as indicated by her saying, *I and my maidens will fast in like manner* [4:16], for had they not been from among the daughters of Israel they would not have grieved with her." In his translation of this verse (fol. 135r) Yefet renders *hā-rĕʾûyôṯ* rather slavishly as אלמנטוראת.

165 Or: "the requisite ones" (*al-mawjūbāt*), the idea apparently being that, in contrast to the previous explanation, the seven maidens were supplied to her (and the other virgins) automatically, regardless of her personal choice. In a similar fashion, both Saadia (per Kāfiḥ, אסתר) and Salmon (MS Firk. Heb. Arab. II, fol. 5r) adopt the rendering אלואגבאת, which may also be taken in the sense of "proper ones" or "suitable ones." Cf. also the Compilator (MS Firk. Heb. I 583, fol. 32v): ואת שבע הנערות הראויות. היה המנהג שיתנו להם שבע נערות משרתות לה.

166 Ar. *ijlālan* — an accusative of specification (cf. Wright, *Grammar*, vol. 2, §44e) — emended by a later hand from the comparative *ajall* (ʾjl in the text), which reading renders the clausal syntax somewhat awkward. Cf. also Yefet (fols. 137r–v): וקולה וישניה ואת נערותיה הו אנהא כאנת אולא פי מוצע פלמא וקע לה אנהא תכון מלכה אסכנהא פי מוצע אגל אלמקאציר אלתי פי דאר אלמלך "[Concerning] the statement, *He transferred her and her maidens* — [this means] that she was at first in [one] location, yet when it occured to [Hegai] that she would be queen he lodged her in a location which was the most distinguished of the apartments which were in the king's palace"; and the Compilator (MS Firk. Heb. I 583, fol. 32v): הפרידן מקום נכבד לטוב מכל הנשים.

167 Similary Yefet (fol. 137v): וקו ענהא אנהא לם תכבר בדינהא ועשירתהא ואן מרדכי וצאהא בדלך הו אנה עלם אן פי דלך יסתקים אמרהא פי דינהא לאלא יגעל עליהא אלרצד פי מאכולהא ומשרובהא וסבותהא ואעיאדהא פאדא סאלוהא ען דלך תמסך ולם תדכרה להגי "[Concerning what Scripture] says about [Esther], that she did not make known her religion[!] or kindred, and that Mordecai charged her with regard to such, [we infer] that [Mordecai] knew that [only] in this manner would the requirements of her religion be upheld, lest an ambush be set for her with regard to her food,

2:11 *And every day, (etc.)* — *Esther's šālôm* — her physical health.[168] *And what would become (of her)* — with regard to the matter on account of which she had been taken.

2:12 *Now when the turn came* — (This was) the (same) time of the year during which she had been taken.

2:13 *In this way* — This (was the manner) with regard to every maiden for whom the appointed time (of preparation) was completed:[169] *whatever she desired was given (to her)* — The things by which she would become pleasing to the king.[170]

2:14 *In the evening she (went)* — It is said that he would sleep with her,[171] (yet) it is also said that he would observe her appearance.[172] When she was a virgin she

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drink, Sabbath rest, or [observance of] the feast days; yet if she were asked about such she held her tongue and mentioned nothing of it to Hegai"; and the Compilator (MS Firk. Heb. I 583, fol. 32v): אמ לא הגידה אסתר וגו. שלא תהלל(!) שבת ומועד וכל מצוה אלא יהיה הדבר בחפצה לשמור כל התורה; *idem* (MS Firk. Heb. I 583, fol. 33v): [...] לה ויאניסוה ויוציאוה מדין התורה. ותחלל שבת ומועד וכל דבר התורה ולכן לא הגידה אסתר שלא יביטו בה כי היא יהודיה ו[תח]לל שבת. A quite different, almost midrashic-type view is advanced by Salmon (MS Firk. Heb. Arab. II 3295, fols. 3v–r): ידל אן מרדכי קד תקדם לה אלעלם במא יכון מן אמר המן בצרב מן אלצרוב ואקרב אסתכראגה ‹הדא› מן אלכתאב פלו אנתסבת אסתר ווקף המן עלי נסבתהא לם יתערץ למא ערץ "[This verse] indicates that the knowledge concerning what would transpire on account of Haman's edict was advanced to Mordecai in one fashion or another, and this inference from the text is likely, for if Esther had related her ancestry and Haman had become aware of her descent, he would not have stood against [the Jews] when he did."

168 Lit. "the health of her body" (*ṣiḥḥa jismiha*).

169 Our author, like the MT, takes the referent of *ū-ḇā-zeh* to be the following clause. Likewise Yefet (fols. 137v–38r): ثم قال وبذه النعرة باهة ال המלך ישיר בה אלי מא יֹדכרה פי אלפסוק והו קוֹ את כל אשר תאמר ינתן לה "[Scripture] then says, *And in this manner the maiden went in to the king*, referring to that which is mentioned [later] in this verse, namely: *whatever she desired was given to her*." A different view is taken by Salmon (MS Firk. Heb. Arab. II 3295, fol. 6v [trans.]), who appears to have construed 13a consecutively as the last part of the parenthetical comment begun in 12aβ (כי כן וגו׳), with 13b (here opened with פ) constituting the apodosis of 12aα (opened with וענד; cf. Blau, דקדוק, §306ד) — thus: ועגד בלוג נובהּ גאריהּ וגאריהּ לדכול אלי אלמלך אחשורוש מן אנקצא כון להא י״ב שהר כסנהּ אלנסי אן כדאך יכמלו איאם גמרתהן סת שהור בדהן אלמסך וסת שהור באלאטיאב וגמר אלנסי: ומע הדא אלרסם אלגאריהּ אדא בלגת אתאם גמרהא תדכל אלי אלמלך פכל מא תקול יועטא להא . . . "And when the turn arrived for each young woman to go in to King Ahasuerus at the end of it having been [done] to her for 12 months according to the regulation of the women — for so were completed the days of their ointments, six months with musk oil and six months with perfumes and ointments of women, according to which process the young woman, when she came to the end of her [period of] anointing, would go in to the king — she would then be given all that which she requested . . ."; and the Compilator (MS Firk. Heb. I 583, fol. 33r): מעֹ אחר מקץ וב[זה הנער]ה. היות לה יֹבֹ חדש אחר זה באה אל המלך.

170 Cf. Yefet (fol. 138r): ויריד בה מן תיאב וחלי ועטר כל ואחדהּ בחסב מא תעלם אנהא תחסן בה "By [this phrase Scripture] means that each one [would be given] clothing, jewelry, and perfume according to that by which they perceived they would become more pleasing"; the Compilator (MS Firk. Heb. I 583, fol. 33r): וכל אשר היתה מבקשת אם שמן המור אם בשמים אם בגדים נאים או זולתם. כי כל אשר תדע מה הדבר שהוא מיפה לה. ועם כל הדברים היתה הולכת אל המלך.

171 This explanation, as the biblical verse, concerns the general manner in which each virgin was presented to the king.

172 Both views appear to be taken by Yefet (fols. 137v–38r): וקוֹ מקץ היות לה . . . וקיל אנה אראד בה ענד

was in the care of[173] Hegai, and when (the king) had slept with her she ended up in the care of Shaazgaz,[174] and neither would she retu[r]n nor would (the king) summon her. Now the king would ask her about her country, her lineage,[175] and her name, and would record this (information) for himself,[176] thus arranging[177] each one in his mind; then, when he wanted he[r], he would command that she be brought (on the basis of this information).[178]

2:15 *When (the turn) came* — With regard to Esther's turn the matter was just as (the Scripture) described it in that (passage) which preceded. Then, once she came (to the king), there was no need for any of the virgins to continue (being presented). *She asked for nothi[ng]* — She didn't request any (piece) of jewelry, (special) clothing, or other such (items), as (did) the others.[179] *(And Esther) found favor* — with the king as well as the people,[180] for (the expression) *and she won his favor* (2:9) is (also) applied to Hegai.

נהאיתהא תדכל באלמלך כדכול אלנסא עלי אזואגהן . . . תכון ענדה לנטר חסנהא ועקלהא וסאיר מא יריד אן יסתכשפה מן גמיע אחואלהא "[Concerning] the statement *at the conclusion of her being*, (etc.) . . . — It is said that [the Scripture] means by this that at the conclusion of her [beautification] she would go in to the king according to the manner in which women go in to their husbands . . . She would stay with him [for a night] so that he might observe her beauty and intelligence, as well as any other of all her attributes which he desired to explore." The former view is taken by Salmon (MS Firk. Heb. Arab. I 4467, fol. 9r): וקֵ בערב היא יעני אנהא כאנת תגלא עליה לילה . . . וקֵ שומר הפלגשים "[Scripture's] saying *In the evening she* [*went in*] means that she would be displayed to him [as a bride] at night . . . and [as to Scripture's] expression, *the keeper of the concubines*, it [means that] when the king unveiled her [as a spouse], he designated her a concubine, which was a decrease in status"; and the Compilator (MS Firk. Heb. I 583, fol. 33r): ונקראו פלגשים בעבור שהיה שוכב עמהן המלך והיו בעולות מן המלך.

173 "in the care of" — a loose rendering of Ar. *ʿinda* (so again in the following clause).

174 So MS: שעזגז (MT: שעשגז), which spelling is likewise attested in *Tg. Esth. II* (Grossfeld, *Targum Sheni*), *ad loc.*

175 "her country . . . lineage" — an apparent inferrence from vv. 10 and 20.

176 The recording of each women's name (apparently by Shaashgaz) is also mentioned in *Tg. Esth. II.*

177 Or: "reviewing" (*fa-yaʿriḍu*).

178 "that she be brought" — lit. "the bringing of her" (*bi-ʾiḥḍārihā*). This description of the interview process is closely paralleled by Yefet (fol. 138r): ויסאלהא ען דינהא וען עשירתהא ואסמהא ויכתבה ענדה פאן אראדהא יומא יסתדעי בהא כקֵ לא תבוא עוד אל המלך כי אם חפץ בה המלך ונקראה בשם "He would ask her about her religion, as well as about her kindred and name, and he would record this for himself so that if he wanted her one day he could summon her [on the basis of this information], as it is said, *she did not go in to the king again, unless the king delighted in her and she was summoned by name.*"

179 Cf. Yefet (fol. 138r): פערֵף אן כאן יערץ עליהא הגי מא תלבסה מן אלתיאב ואלחלי והי לא תטלב שי לאנכסאר נפסהא "[Scripture] indicates that Hegai presented to her the clothing and jewelry which she should wear, yet she requested nothing for herself due to the humility [or 'dejection'] of her soul."

180 Cf. Salmon (MS Firk. Heb. Arab. I 4467, fol. 9v): וקֵ ותהי אסתר לאן אללה עז וגל געל להא חטֵ ואפר עצים(!) ענד כל מן יראהא "[As to Scripture's] statement, *And Esther* [*found favor*] — [this is] because God — the Exalted and Sublime — established abundant, powerful favor for her among everyone who saw her."

2:16 *And (Esther) was taken* — (the expression) *and she was taken (wat-tillāqaḥ)* (refers to) her arrival at (the king's) residence [. . .] and his seclusion with her.[181]

2:17 *And (the king) loved, (etc.)* — *(more than all) the women* — The women who were with Vashti and into who[m] he went after Vashti (had been dismissed).[182] *More than all the virgins* — he did not go into those who remained (after Esther).[183] *And he made her queen* — since up to this time he had not appointed a queen.[184]

2:18 *Then the king gave (a great banquet)* — He made known (his) joy and delight to his servants.[185] *A remission* — He remitted the poll-tax,[186] (and,) further, gave presents to[187] his servants.

2:19 *When (the virgins) were gathered (šēnîṯ)* — When the virgins had gathered together in order that a second queen might be drawn from among them, Mordecai was sitting in the king's gate so as to learn of Esther's situation.[188]

181 "his seclusion with her" — Ar. *wa-khalwatuhu bihā*, most likely denoting sexual intimacy, in which sense cf. also Yefet *ad* Prov 31:2 (MS British Library Or. 2553, fol. 129v): فقالت ما لك يا ولدى والخلوة مع النسا على الدوام فتتلف جسمك وتخلقه وتضعفه "And so she says, [as it were,] 'What [benefit] to you, O my son, is continual seclusion with women so that you ruin your body, wearing it out and enfeebling it?'"

182 Cf. Yefet (fols. 138r): פקוֹ מכל הנשים ישיר בה אלי אלחרם אלתי כאנן ענדה גיר אלגואר אלתי גמעהן "By the expression *more than all the women* [Scripture] refers to the women who were already his, not the maidens whom he had gathered."

183 Insofar as we would expect a similar explanation concerning *all the virgins* as for *all the women*, it may be possible that an earlier portion of the comment on this phrase was omitted, perhaps by homoioarchton with *allatī*. Cf. also Yefet (fols. 138r–138v): וקוֹ מכל הבתולות ישיר בה אלי אלבתולות אלתי גמעהן וראהן וכאן ידכל בואחדה בעד אכרי פלם ימיל אלא אלי אסתר פקט ולם ינתטר אן ינטר גירהא מן אלגואר אלתי לם ידכלון בעד אליה "By the expression *more than all the virgins* [Scripture] refers to the virgins whom he had gathered together, seen, and gone into, one after the other, though he took a liking to (none) but Esther alone; nor did he wait to consider any of the other maidens who had not yet come in to him."

184 Cf. n. 162 above.

185 Cf. Salmon (MS Firk. Heb. Arab. I 4467, fol. 10v): אטהר אלמלך מן סרורה באסתר אמר כביר והנחה. שם כמו מנוח' בעבור שמחתו באסתר. "Because of his delight in Esther, the king proclaimed a grand decree"; and Ibn Ezra:

186 Likewise Yefet (fols. 138v): ורפע אלכראג ען אלנאס פי תלך אלסנה "He removed the poll-tax from the people during this year"; and the Compilator (MS Firk. Heb. I 583, fol. 34r): עשה הנחה ולא לקח מס.

187 "gave presents to" — Ar. *hādā*, on this non-reciprocal usage of which cf. Dozy, *Supplément*, 2:751a. On the understanding of משאת as "presents" cf. also Salmon (MS Firk. Heb. Arab. I 4467, fol. 10v [trans.]): ואעטא גוּאיז "And he gave out gifts"; Yefet (fol. 136r [trans.]): ואעטא גואיז והדאיא "And he gave out gifts and presents"; *b. Meg.* 13a.: שדר פרדישני; *Leq. Ṭob* (Buber, ספרי דאגדתא, 96): אלו מנות ומתנות; Saadia (per Kāfiḥ, אסתר): ואגאז בגואיז "and he granted gifts."

188 Our commentator has taken this verse — described by C. A. Moore (*Esther: Introduction, Translation, and Notes* [AB 7B; New York: Doubleday, 1971] 29) as "one of the most difficult verses in all of Esther" — not as referring to a subsequent gathering, as supposed by most modern commentators, but rather as referring back to the previous gathering of which Esther had been a part. This understanding of narrative retrogression, and specifically the explication of *šēnîṯ* in reference to a "second (i.e., subsequent) queen," is likewise attested by Yefet (fols. 138v–39r): תם קאל ובהקבץ

2:20 *Esther (had) not (made known)* — (The Scripture already) said *she did not make known* this information to Hegai, yet this (repetition of the statement) is after her going in (to the king).[189] *The instruction (of Mordecai)* — concerning the expression[190] of her attributes.[191]

2:21 *In (those) days*,etc. — This (event) is the prelude to (Mordecai's) deliverance from Haman.[192] The discontentment (of the two eunuchs) was owing to (the king's) having replaced them, or the like.[193]

בתולות שנית ואקרב מא קיל פי תפסיר הדא אלפסוק הו אנה עלף אן ענד מא אזתמעו אלעואתק מן גמיע אלנואחי ואלכלדאן לאכד מנהן תאניה לושתי פיכון קו שנית אראד מלכה תאניה "[Scripture] then says, *and when the virgins were gathered šēnîṯ*, [concerning which] that which is expressed in (my) translation of this verse is most likely — namely, that [Scripture] is referring to [the time] when the maidens had gathered together from all of the districts and countries in order that a second queen after Vashti might be taken from them; thus [Scripture] says *šēnîṯ*, by which it means a second queen." Cf. also the last of three explanations offered by the Compilator, all of which we cite here vis-à-vis the exegetical interest of this verse (MS Firk. Heb. I 583, fol. 34r):

ובהקבץ בתולות שנית. מע נקבצו פעם ראשונה בידי הפקידים בכל מדינו מלכותו עד שושן הבירה שנא ובהקבץ נערות רבות אל שושן. ובראשונה בחרו את כל אשר היתה יפת תאר. דא ובהקבץ בתולו שנית כי בתחלה קבצו אותם אל שושן הבירה אל יד הגי ואח״כ הוליכו וקבצו אצל המלך בקבוץ כל הבתולות והביאו לאסתר עמהן ולכן אמ שנית. דא שנית לושתי. כי כן עשה ‹ה›מלך בעת שלקח לושתי. והשני קרוב.

189 Similarly the Compilator (MS Firk. Heb. I 583, fol. 34v): אין אסתר מגדת מולדתה. הוא בעת שנלקחה על המלך והמליכה כלא הגידה למלך כמו שלא הגידה להגי; albeit Salmon, more specifically (MS Firk. Heb. Arab. I 4467, fol. 11r): קד קאל לא הגידה אסתר פמא מעני קולה אין אסתר פנקול אן אלקול אלאול(!) חכאיה ענהא למא מלכת לנעלם אן לם ילחקהא עגב ולא תגיירת והי עלי מרדכי פי מענא מן אלמעאני "[Scripture] already said *Esther did not make known* [*her people*, etc.] (2:10) — What, then, is the reason for it's saying, *Esther had not yet* [*made known her kindred*, etc.]? We maintain that the second [reading אלתאני] statement is a report about her when she assumed royal authority, that we might know that conceit did not betake her, nor did she change [in her essential character], but [rather] she [continued to rely] upon Mordecai in every respect."

190 Lit. "management" (*tadbīr*).

191 As per our author's comment *ad* 2:10, the specific attributes in mind here are undoubtedly those which reflect her race and religion, which, although ordered by Mordecai to be kept in concealment, are still given expression in her personal observance of *halakhah*.

192 Cf. Yefet (fol. 127r [*ad* 1:1]): דכר לנא פעל בגתן ותרש ומא כאן מן מרדכי חתי כאן דלך אצלא לכלאץ מרדכי מן גזרת המן "[Scripture] tells us of the deed of Bigthan and Teresh, as well as what became of Mordecai, in that such was at the basis of Mordecai's deliverance from the decree of Haman"; *idem ad loc.* (fol. 139v): הדא אלפצל מקדמה למא יריד אן יד כרה מן בעד והו מא טלב אן יפעלה המן במרדכי עלי מא נביינה פי מוצעה ופי מתל דלך יקול אלקאיל ברוך מקדין רפואה למכה "This section is a prelude to that which [the Scripture] intends to mention in following — namely, that which Haman sought to do to Mordecai, as we shall explain in its place. With regard to [scenarios] such as this it is said: 'Blessed be He who prepares the cure before the affliction' [cf. *b. Meg.* 13b]"; Salmon (cited in n. 198 below); and the Compilator (MS Firk. Heb. I 583, fol. 31r [*ad* 1:22]): וזה הדבר היה הגרמה מיוי שיקדים רפואה על המכה. Regarding this Hebrew axiom (quoted as well by Salmon) cf. also *Pan. Aḥ.* A (Buber, ספרי דאגדתא, 45); *Leq. Toḇ* (Buber, ספרי דאגדתא, 97); Joseph Kara (per Jellinek, פירושים, *ad* 2:23): הרי למדך שהקדים הקב״ה שתי רפואות למכת המן. ראשונה שנישאת אסתר למלכות, שני׳ שהציל מרדכי את המלך מן המיתה; Rashi *ad* 3:1.

193 Cf. Yefet (fol. 139v): פערף אנהם(!) חרדא עלי אלמלך ולם יד כר אלשי אלתי הו סבב חרדהמא עלי אלמלך "[Scripture] indicates that the two [eunuchs] were disgruntled with the king,

2:22 *And (the matter) became known* — The two spoke in their own language on account of their fancy that (Mordecai) did not understand. (Mordecai,) moreover, deemed lo[y]alty[194] to the king proper because he was in his service.[195] It is said that he learned of this (plot) by (divine) revelation or in a dream.[196]

2:23 *When the matter was investigated* — The king investigated (the matter) and executed the (appropriate) judgment, yet offered Mordecai no reward until[197] the more appropriate time, as (also in the case of Joseph): *but he forgot him* (Gen. 40:23).[198]

though it says nothing about the reason for their disgruntlement with the king. Perhaps he had mocked [cf. Dozy, *Supplément*, 1:638b] them."

194 Ar. *naṣīḥa* (cf. Dozy, *Supplément*, 2:678b).

195 Likewise Salmon (MS Firk. Heb. Arab. I 4467, fols. 11v–12r): כאן ואגב ענדה נציחה אלמלך לאנה קד צאר פי גמלתה "Loyalty to the king was obligatory [or "proper"] for him, because he had become engaged in his household [cf. Dozy, *Supplément*, 1:219a]"; cf. also Dozy, *Supplément*, *ad* 2:19 (MS Firk. Heb. Arab. I 4467, fol. 11r): פלמא מלכת אסתר געלתה אחד אלחגאב "When Esther assumed royal authority she made [Mordecai] one of the gatekeepers." This view that Mordecai was in the king's service — which understanding is now accepted by most modern commentators as the idiomatic sense of "sitting in the king's gate" (cf. G. Gerleman, *Esther* [2d ed.; BKAT 21; Neukirchen-Vluyn: Neukirchener Verlag, 1982] 83) — is likewise expressed by Yefet (fol. 139r [*ad* 2:19]): וקוֹ ומרדכי ישב בשער המלך יפיד אן כאן מרדכי פי דלך אלוקת חאגב פי דאר אלמלך "[By] the expression *Mordecai was sitting in the king's gate* [Scripture] teaches that at this time Mordecai was a gatekeeper in the king's palace"; and the Compilator (MS Firk. Heb. I 583, fol. 34r [*ad* 2:19]): אמ ומרדכי ישב בשער המלך והודיענו ישיבת מרדכי בשער המלך כי היה לו זה המלאכה טרם זה ואחר זה עד שגדלו יוי. Cf. also Lev. Rab. xiii, 5 and the comment of Ibn Ezra *ad* 2:19 cited in the introduction above, as well as his comment *ad* 3:4.

196 Cf. also Yefet (fols. 139v–40r): וקד קיל אן אללה תעֹ כשף לה דלך פי אלמנאם . . . ויקרב אנה סמעהא(!) יקולא נקתלה פי אלמוצע אלפלאני פצח֗ ענד דלך ללמלך פי אלוקת "It has been said that God — may He be exalted! — disclosed this to him in a dream . . . yet it is most reasonable that he heard the two saying 'Let us kill him in such and such a place' and immediately confirmed this to the king."

197 On this sense of *ilā* cf. Blau, דקדוק, §265א, although the meaning wanted here may also be subsumed under "designation of limit" (i.e., the point at which the king ceased to "forget" to reward Mordecai), on which cf. Wright, *Grammar*, §§51(b) and 52, rem. b.

198 I.e., the king "forgot" to reward Mordecai until the more appropriate time intended by God. So Salmon (MS Firk. Heb. Arab. I 4467, fols. 12r–v):
ויכתב בספר זכרון(!) ידל אן אלמכירה כאנת עצימה(!) ואן אלמלך לעצם(!) אתמאמה בתשריף מרדכי עלי הדה אלנציחה אמר אן תכתב בחצרת אלמלך אלי אן יוי צבאות אנסא אחשורוש מא יכאפי בה מרדכי ליכון הדא אלאמר מכבא לוקתה ומקדים רפואה למכה פענד דלך ינתפע בה ואמתה לאן געל הדא(!) מקדמה לישראל קבל תשריף המן אללעין ודלך אן כמא אנסא אללה שר המשקים כבר יוסף.
"[The statement] *And it was written in the book of the chronicles* indicates that the good deed was great, and that the king, for the sake of achieving [commensurate] greatness in [his] bestowal of honor upon Mordecai for this [act of] loyalty, commanded that it should be written in the presence of the king, at which point the Lord of Hosts caused Ahasuerus to forget that with which he was going to reward Mordecai, in order that this matter might be concealed until its [proper] time, [that God might] 'prepare the cure before the affliction' [cf. *b. Meg.* 13b]. Thereupon both [Mordecai] and his people would be benefited by [the matter], for God had established this prelude [to redemption] for Israel before the elevation of Haman the Cursed. This [scenario] is just as [when] God caused the chief cupbearer to forget the account of Joseph."

3:1 *After (these things)* — (Scripture) prefaces (this phrase) to the following[199] so as to make clear that Haman's objective had not yet been achieved[200] [. . . in]dicating his initial status.[201] *And he raised him up* — Afte[r . . .] afterwards, although he had not attained the rank of *those who beheld the [king's] face* (1:14).[202]

3:2 [*And all the king's servants*] — Mordecai refrained from the (act of) prost[ration . . .] worship, not for the (showing of) respect[203] [. . .] himself. It is said that it would have been permitted for [him to kneel for the purpose of (showing) respect, as opposed to wo]rship[204] or (religious) genuflection, yet the combination of both was not [. . .] for he did neither one of the two things,[205] but rather (just) stood in his place.

199 Lit. "To what is attached" (*ilā mā taḥaddaba*).

200 I.e., the phrase *After these things* makes clear that Esther was queen and Mordecai's deed recorded — and thus redemption prepared — before Haman came into the position of power that would enable him to legislate genocide; or, perhaps, taking אחר as referring to the first *clause* (up to האגגי), our commentator intends that the verbs *giddal* and *wa-ynaśśē'ēhû* be construed as two successive events of promotion, Haman's "objective" apparently being realized in the latter instance. The same understanding is attested by Yefet (cf. n. 202 below).

201 "his initial status" — lit. "the beginning [or "first stage"] of his status" (*awwala ḥālihi*), our reading of which remains somewhat tentative vis-à-vis the preceding lacuna.

202 Cf. Yefet (fol. 141r): קולה גדל המלך תם קאל וינשאהו ידל עלי אנה אולא כבר מחלה מדה תם בעד דלך געל כרסיה אעלא מן כראסי אלרוסא אלדין כאן להם מרתבה פי מגלס אלמלך אלא אנה כאן דון אלסבעה אלמקול פיהם ראי פני המלך "[Scripture] says [first] *the king promoted* [*Haman*] and then says *and advanced him*, indicating that he first enlarged his position for a certain period and then set his seat higher than the seats of all the princes who had a place at the court of the king, although he was [still] separate from the seven of whom it is said [that they] *saw the king's face* [1:14]."

203 Although broken, the clear implication of this comment is that the prostration required before Haman was a form of worship, which is the view taken by the majority of medieval commentators — thus Yefet (for which see the following note); Salmon (MS Firk. Heb. Arab. I 4467, fols. 13r–v): למא כאנת אלכריעה מע אלהשתחויה לא יגוז אן תכון אלי ללאה עז וגל פקט כק בואו נשתחוה ונכרעה "Since the bowing down was accompanied by prostration, it was not permissible that [the act] should be [done] before anyone save God — the Exalted and Sublime — alone, as per [Scripture's] saying, *Come, let us prostrate ourselves and bown down; [let us kneel before the Lord our Maker]* [Ps. 95:6]"; and the Compilator, who, interestingly, claims observance of the same practice by the supposedly Judaized Khazars of his day (MS Firk. Heb. II 78, fol. 16r): [. . .] וזו השתחוית המן אלהות כל כרעים ומשתח להמן. כמ שעשה נבוכדנ לדניאל כל ומנחה וניחוחין וג . . . וראינו בזמננו כי בארץ תורכיה כזרא עובדים איש.

204 We tentatively offer this restoration (for the text of which cf. n. 83 above) in view of the similar comment by Yefet (fol. 141r): וענד מא רפעה אמר אלחגאב אן יגתון ויסגדון לה עלי סביל אלעבאדה לא עלי טריק אלאכראם פקט לאנה לו כאן עלי טריק אלאכראם פקט לם כאן מרדכי ימתנע מן דלך לאן מרתבה המן כאנת פוק מרתבה מרדכי פי דאר אלמלך "When [the king] elevated Haman he commanded the gatekeepers that they should kneel down and prostrate themselves before him in the manner of worship, not merely in the manner of respect; for if it had been merely in the manner of respect, Mordecai would not have refrained from [doing] such, since Haman's rank was higher than Mordecai's rank in the palace."

205 I.e., kneeling either for worship/religious genuflection or the showing of respect.

3:3–4 *And (the king's servants) said* — They were concerned for him and therefore appealed to him repeatedly,[206] yet he did not accept (their advice).[207] Then they made (this) known to Haman, for they said (to themselves), "If we speak to Haman, he will take notice of him,[208] (and Mordecai) will not re[peat] (his disobedience)."[209] *For he had told them* — under compulsion,[210] when it was said that the king had ap[pointed Ha]m[an a]s [t]he object of worship, for he was ve[ry] handsome [. . . as] Nebuchadnezzar did in (the book of) Daniel [. . .] Hama[n]

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206 "repeatedly" — lit. "repeating (their) utterance" (*wa-karrarū al-qawl*).

207 Cf. Salmon (MS Firk. Heb. Arab. I 4467, fol. 14r [*ad* 3:4]):

וקולה לראות היעמדו ידל אנה למא אנכרו עליה קאל אנא יהודי ופי מדהבי חראם אלסגוד לצורה פהדא תחה קו כי הגיד להם אשר הוא יהודי. פקאלו לה פנכאך עליך מן אלקתל פקאל להם אן אללה יכלצני מן ידה ולא ימכנה מני כמא לא ימכן אבאה מן אבאנא בל אבאנא כאנו אלמטפרין באבאה כך ויחלש יהושע.

"[Scripture's] saying *to see whether* [*Mordecai's words*] *would stand* suggests that, when they rebuked him, he said, 'I am a Jew, and in my creed worship of a [material] representation is forbidden' — this underlies [Scripture's] statement, *for he had told them that he was a Jew* — and so they said to him, 'We fear death for you.' Then he said to them, 'God will deliver me from [Haman's] hand, and he shall not gain mastery over me, just as his ancestors could not gain mastery over our ancestors, but rather our ancestors were victorious over his ancestors, as per [Scripture's] saying, *So Joshua overwhelmed* [*Amalek and his people*]' [Josh. 17:13]"; and Yefet (fol. 141r): וכאנו אלחגאב ונטרון מרדכי מרדכי לם יתחרך מן מכאנה פאכדו אולא יעאתבוה ויקולון לה יא הדא אלרגל נכאף עליך מן אלמלך לאנה קד אמר בדלך פכאן יקול להם אן דיני ימנעני ען אלסגוד לגיר אללה תעלי סביל אלעבאדה "The [other] gatekeepers observed that Mordecai did not stir from his position and so they undertook at first to scold him, saying to him, 'O man, we fear for you with regard to the king, for he has commanded such.' Yet he said to them, 'My religion prevents me from prostrating [myself] in the manner of worship before any save God, may He be exalted!'"

208 "he will take notice of him" — Ar. *wa-jaʿala bālahu minhu*, on the preposition of which, here employed in place of the more normative *ilā*, cf. Dozy, *Supplément*, 1:130a.

209 Cf. Yefet (fol. 141v):

פלמא ראוה מרה בעד אלאכרי יפעל דלך ויתהאון בקולהם רפעו דלך אלי המן לשיין אחדהא(!) הו אלדי דכרה אלכתאב והו אנהם אראדו אן ימתחנון קולה הל יפעל דלך מן בעד אן יערף המן בדלך אם לא ואלתאני פזעו אן יפטן בדלך המן ואנהם אדא לם ינכרון דלך ולא יערפו המן פיחרד עליהם וירפע דלך אלי אלמלך.

"When they saw him time after time doing this and disdaining their advice, they reported this to Haman for two reasons: the first is that which the Scripture mentions — namely, that they wanted to test his words, whether or not he would still do such after Haman became aware of it; and the second is [because] they were afraid that Haman would [otherwise] become aware of [Mordecai's disobedience] as well as that they were not ignorant of such, yet had not informed him, and so he would become angry with them and report this to the king."

210 I.e., in view of the king's command concerning Haman, Mordecai was compelled to point out his Jewish identity as the basis for his refusal to bow down.

The Controversy between I. S. Reggio and S. D. Luzzatto on the Date of the Writing of the Pentateuch

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S. D. Luzzatto's controversy with I. S. Reggio concerning the origins of the Hebrew alphabet is discussed. Reggio argued that Hebrew script was unknown in Moses' time; a single person could not possibly have invented it; therefore, Moses had received the Hebrew script together with the Torah at Sinai and taught Israel both the Torah itself and the art of writing.

Luzzatto feared that these ideas might be exploited by critical scholars to bolster their argument that Moses did not write the Pentateuch. First denying the veracity of Reggio's thesis, on the basis of supposed evidence that Hebrew script predated Moses, Luzzatto later attacked Reggio's logic, arguing that lack of proof for knowledge of the script before the Exodus did not imply its nonexistence. Moreover, there was no indication in the Written or Oral Law that Hebrew script was invented by Moses under divine inspiration.

This argument typifies Luzzatto's conviction, also reflected in his writings, that it was his bounden duty to combat any ideas that he thought might undermine the Jewish faith. In the present case, though Reggio's thesis might be legitimate in itself, it might be misused by critical scholars to deny the divine origins of the Torah.

Samuel David Luzzatto, one of the pioneering Jewish Bible commentators in the period of the *Haskalah* in the nineteenth century (northern Italy; 1800–65), is considered to be the first modern Jewish commentator. His commentary is based on Jewish tradition and on the belief in the sanctity of the Bible, and constitutes a sort of transition from the medieval Jewish commentary, through non-Jewish critical commentary, to modern Hebrew Biblical interpretation. He was quite familiar with the ramified Jewish commentary that preceded him, such as that by Rashi, Ibn Ezra, Nahmanides, Abrabanel, and Moses Mendelssohn, whom he frequently mentions in his commentaries, as well as the critical Christian commentary, that he greatly esteemed and from which he extensively quoted, but of whose excessive critical nature he disapproved.[1] One of the questions that was

1 For Luzzatto's interpretive method, see the monograph: B. M. Margolis, *Samuel David Luzzatto: Traditionalist Scholar* (New York: Ktav, 1979).

raised by Biblical criticism in the time of Luzzatto was: when did people begin to write in alphabetic script.[2]

All of the discussions that were conducted in the nineteenth century regarding the source and the time of the formation of alphabetic script are of only historical interest today, as part of the history of scholarly research. In classical scholarship, scholars drew their knowledge regarding the history of the script from the Bible and from other ancient books that were preserved and copied over the course of generations, such as the writings of Herodotus. Modern scholarly inquiry into this issue began only in the twentieth century, upon the discovery of about a dozen inscriptions of a special type known as proto-Sinaitic, that were uncovered in 1905 by Sir William Matthew Flinders Petrie (1853–1942), a leading Egyptologist, in the excavations of the temple of Hathor and in the turquoise mines in Sarabit el-Khadm in the Sinai peninsula.[3] From that time on, this subject would be examined on the basis of finds that were unearthed.[4]

One of the central issues raised at the beginning of Biblical criticism was that of the authorship of the Torah. Baruch Spinoza (1632–77)[5] was the first intellectual from among the Jewish people to openly rebel against the tradition, and discard it in favor of a critical approach. He pioneered "Biblical criticism," which he developed into a methodical discipline.[6] In his essay Tractus Theologico-

2 According to new studies, the alphabetic script, in which each symbol represents only a single consonant, had its beginnings in the middle of the second millennium B.C.E., in the vicinity of the Land of Israel-Syria. Luzzatto wrote that he devoted to this topic a chapter in his book *Torah Nidreshet* chapter 17: "The Book of the Torah of Moses — When Was It Written." See *Mehkerei ha-Yahadut* 2 (Warsaw: Ha-Tzeferah, 1913) 96; *Peninei Shadal* (Przemysl: Zupnick, Kneller & Hammerschmid, 1888) 413. The first twelve chapters and parts of chapters 22 and 24 were published in different forums. A posthumous translation into Italian of these chapters was published as *Torah Nidrescet, volgarizzato dal Rabb. M. Coen Porto* (Padua: Tip. Crescini, 1879). This chapter, like others, was *not* published, and remained in manuscript form, apparently in the possession of Luzzatto's sons.

3 These are texts engraved in stone in a pictographic script, in which each picture represents the first sound of the object depicted by it. These inscriptions are dated approximately to the middle of the second millennium B.C.E. See W. M. Flinders Petrie, *Researches in Sinai* (London: J. Murray, 1906) 129–32; W. F. Albright, *The Proto-Sinaitic Inscriptions and Their Decipherment* (Cambridge, Mass.: Harvard Univ., 1966).

4 See J. Naveh, *Origins of the Alphabet* (Heb.) (Jerusalem: Keter, 1979) 14–18; J. Naveh, *Early History of the Alphabet* (Jerusalem: Magnes Press, 1989) 13–42; P. T. Daniels and W. Bright, *The World's Writing Systems* (New York: Oxford Univ. Press, 1996).

5 Spinoza was born into a Marrano family that had emigrated from Portugal to Holland, and that was highly respected among the Jewish Spanish-Portuguese community in Amsterdam. The leaders of the community placed him under a ban and "cut [him] off from the Nation of Israel" in 1656 because of his views.

6 For a general discussion of Spinoza's standing in critical biblical research, see P. Slymovics, "Spinoza and Biblical Criticism," *Jerusalem Studies in Jewish Thought* 2, 2 (1982/3) 232–54 (Heb.). The beginning of biblical criticism is commonly accredited to Spinoza in the midseventeenth century. See, e.g., R. H. Pfeiffer, *Introduction to the Old Testament* (New York: Harper, 1948) 46; O. Eissfeldt, *The Old Testament: An Introduction* (Oxford: Blackwell, 1966) 160.

Politicus[7] he denies the traditional belief that Moses wrote the Torah in its entirety: "the Pentateuch was not written by Moses, but by someone who lived long after Moses,"[8] and since Spinoza, critical literary scholarship has focused on the question of the formulation of the Pentateuch. Many scholars accepted the view that rejects attribution of the authorship of the Pentateuch as a whole to Moses.[9]

Luzzatto sought to contend on contentual grounds with the critical arguments raised by the scholars who preceded him. He attacked the critical approach disseminated by the rationalist Protestant clergymen in Germany,[10] and totally refuted all of the arguments that originated, so he believed, in this school. He zealously defended the early authorship, unity, and perfection of the Torah. Like other Maskilim before him,[11] Luzzatto proclaimed his belief in "Torah from Heaven," and bluntly denounced those who repudiated this conviction, thus revealing his total opposition to the school of higher criticism of the Torah.[12]

In 1818 R. Isacco Samuel Reggio (known as *Yashar*; 1784–1855), a Jewish *maskil* and Bible commentator from Gorizia (in northeast Italy) who founded the Collegio Rabbinico Italiano in Padua, Italy,[13] published his commentary on

7 B. de Spinoza, *The Chief Works (A Theologico-Political Treatise and A Political Treatise)*, trans. R. H. M. Elwes (New York: Dover, 1951) 120–28. The book was originally written in Latin (*Tractus Theologico-Politicus*) in 1670.

8 Spinoza, *The Chief Works*, 124.

9 See, e.g., P. Sandler, *Mendelssohn's Edition of the Pentateuch* (Jerusalem: Rubin Mass, 1940) 34 (Heb.).

10 For the history of scholarly research on the Pentateuch until the time of Luzzatto, see A. T. Chapman, *An Introduction to the Pentateuch* (Cambridge, Eng.: Cambridge Univ. Press, 1911), and the concise summary by M. Soloweitschik and S. Rubascheff (Shazar), *The History of the Bible Criticism* (Berlin: Devir-Mikra, 1925) 66–92 (Heb.); M. Weinfeld, "Torah, Study of the Torah in the Modern Period," *Enziklopedyah Mikra'it* (*Encyclopaedia Biblica*) (Heb.) (9 vols.; Jerusalem: Bialik Institute, 1982), 8:cols. 490–507.

11 See Moses Mendelssohn, *Sefer Netivot ha-Shalom, Bereschith* (*Genesis*) (Vienna: F. von Schmid and I. I. Busch, 1837), "Introduction," pp. 1, 5 (pagination added. S.V.); Judah Leib ben Ze'ev, *Mavo el Mikra'ei Kodesh* (*Introduction to the Holy Scriptures*) (Vienna: F. von Schmid, 1810), new edition: G. Kessel, ed. (Bat Yam: Devarim Nedarim, 1967) p. 7; R. Nachman Krochmal (known as Renak), "*More Nevukhei ha-Zeman*," in: S. Rawidowicz, ed. *The Writings of Nachman Krochmal* (Heb.) (2d enlarged ed.; London–Waltham, Mass.: Ararat, 1961) 9, 157, 199; Isacco Samuel Reggio, *Sefer Torat ha-E-lohim Meturgemet Italkit . . . Hakdamah . . . Torah min ha-Shamayim – le-Hokhi'ah Amitato be-Rayot Ne'emanot al-pi Moftei ha-Sekhel* (*The Book Torat ha-E-lohim Translated into Italian . . .* "Introduction . . . Torah from Heaven – to Prove Its Veracity with Sure Proofs in Accordance with the Wonders of the Intellect) (Vienna: Georg Holzinger, 1818) 9b, 11a.

12 For Luzzatto's stance toward higher criticism, see S. Vargon, "Luzzatto's Attitude toward Higher Criticism of the Torah" (Heb.), *Shnaton – An Annual for Biblical and Ancient Near Eastern Studies* 13 (2002) 271–304.

13 Reggio was cognizant of the Bible research that had developed during the time of the Enlightenment, and he even cites the views of such scholars on occasion. Thus, for example, he writes: "And now, as I pass over the works of [Ferdinand] Hitzig, I see in them fine things and hypotheses that are close to the truth" (*Kerem Hemed* 4 [1838] 15). For his critical approach in biblical research, see H. Shelly, *Biblical Research in the Literature of the Haskalah* (Heb.) (Jerusalem: Rubin Mass, 1942) 54–59. Reggio

the Torah. In his introduction he devoted a special chapter to the subject of "The Time in Which the Torah Was Given."[14] In this chapter Reggio argued that before the Revelation, "humans had not yet invented the letters of script,"[15] and after a discussion of this issue he concludes: "The sum of the matter, we have no proof of the existence of the letters of script earlier than the Torah scroll that we possess. . . . Consequently, the evident truth is that this person, Moses, who brought the Israelites up from the land of Egypt, was the first to invent and make known to the world the art of writing with letters."[16] Since the Hebrew script was not known in the time of Moses, and he was not capable of inventing it, Reggio deduces that "clearly, the Creator, may He be blessed, bestowed some of His holy spirit upon Moses, and taught him the skill of writing, with all its conditions and manners, and the wisdom of the grammar of the language, with all its rules, so that he would write in a scroll all the words of the Torah and establish it as the heritage of the congregation of Jacob."[17]

Luzzatto attacked this view in a letter to Reggio from Trieste, dated May 24, 1819.[18] He argued in this letter that the publication of this view was inappropriate,

generally supported Luzzatto and conducted intensive and lengthy correspondence with him on philological and interpretive topics. His correspondence with Luzzatto was collected by Isaaco Hayyim Castiglioni (Cracow: J. Fischer, 1902). Also see *Iggerot Yashar* (Vienna, 1834), that consists of historical and philosophical comments in the form of letters to friends; and his book: *Ha-Torah veha-Philosophiya* (*The Torah and Philosophy*) (Vienna: Schmid, 1827). The rabbinical seminary founded by Reggio in Padua was the first of its kind in Europe.

14 Isacco Samuel Reggio, "The Time When the Torah Was Given," in *Sefer Torat ha-E-lohim*, 11–14.

15 Reggio, "The Time When the Torah was Given," 11b.

16 *Torat ha-E-lohim*, "Introduction," 12–13 (*Mehkerei ha-Yahadut* 2, 8–9).

17 *Torat ha-E-lohim*, 12b. Reggio writes further on: "If so, we have attained the awareness that our Torah is divine, since our teacher Moses received the technique of writing as well from Sinai" (*Torat Ha-E-lohim*, 13b). Cf. *m.Avot* 5:6: "Ten things were created on Sabbath eve at twilight, and they are: . . . *the letters; the writing; and the tablets*"; this is also cited in *Mekhilta, Be-Shalah* 16:32; *Sifrei*, Deut 359; *Midrash Tannaim* 33:21; *Zohar* 2 (Exodus), *Mishpatim* 113b: "We learned: Ten things were created on Sabbath eve . . . *the letters; the writing; and the tablets*, as it is written: "The tablets were God's work, and the writing was God's writing, incised upon the tablets" (Exod 32:16). According to one of the methods of interpreting these rabbinic sources, God taught the manner of writing and reading to Adam (for a discussion of the understanding of these rabbinic dicta, see M.M.Kasher, *Torah Shelemah* [in Heb.] [43 vols.; Jerusalem: Bet Torah Shelemah, 1992] 29:28–31 [chap. 7]).

18 S. A. Graeber, ed., *Iggerot Shadal ha-'Ivriyot* (Przemysl: Druck, Zupnick & Kneller, 1882) 31–35, esp. 32–34; also printed in *Mehkerei ha-Yahadut* 2, 5–8. The ties between Luzzatto and Reggio began in 1817, when Luzzatto wrote "*Ma'amar ha-Nikud* [On Vocalization]," in which he collected the proofs against the belief in the antiquity of the vocalization and cantillation marks, proofs that also refuted the antiquity of the kabbalistic works. Reggio sought to contradict his arguments, but Luzzatto did not accept the reasons he advanced. By the time Luzzatto was eighteen years old, he had a reputation as a poet and scholar, and then he met Reggio, the well-known scholar from Gorizia, with whom he had already previously corresponded concerning the time of the establishment of vocalization and cantillation. Their acquaintance soon developed into friendship and esteem by Reggio for Luzzatto, and he would eventually recommend the appointment of the

because those denying the Torah of Moses would make use of the proofs advanced by Reggio, according to which script had not yet been invented in the time of Moses, in order to provide a basis for their claim that Moses did not write the Torah. Although Reggio sought to discover the historical truth, and he revealed that there was no script, he nonetheless truly *believed that Moses was the founder of script, that came to him by Divine inspiration*. The heretics, Luzzatto argued, would, however, use only part of what he said, for their own purposes. So as not to give them a weapon with which to deny the belief that Moses wrote the Torah, Reggio should not have published his opinion in public, "for although as for you, my friend, your intent is laudable, nonetheless, *the greedy dogs* (see Isaiah 56:11) will derive from your words results that are of unparalleled evil,"[19] "and if you were to say to any of them that script was not known in the time of Moses, then he will sing out joyously, and derive satisfaction from having his claim to the truth strengthened."[20]

Even regarding the basic issue itself, however, Luzzatto was of the opinion from the outset that Reggio erred in his conclusions, because Luzzatto believed that there were sufficient "proofs demonstrating the antiquity of script."[21] Luzzatto conducts a survey of "ancient books" that discuss the origin of the alphabetic script, and brings from them proofs of the great antiquity of this script, that was known before Moses. It is noteworthy that Reggio saw some of these sources, and related to them in his book, but rejected their validity. The following are several arguments that were raised in the context of this controversy.

1. One of Reggio's proofs for the lack of knowledge of alphabetic script in the pre-Mosaic period consists of the Egyptian hieroglyphic signs "that allude to things, and not to words."[22] Against this, Luzzatto cites Clement of

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latter as a teacher-professor in the rabbinical seminary in Padua, where he could devote most of his time to the teaching of Judaism and research.

19 *Iggerot Shadal*, 33; *Mehkerei ha-Yahadut* 2, 7.

20 *Iggerot Shadal*, 34; *Mehkerei ha-Yahadut* 2, 6.

21 *Iggerot Shadal*, 32; *Mehkerei ha-Yahadut* 2, 7.

22 *Iggerot Shadal*, 32; *Mehkerei ha-Yahadut* 2, 6. As Reggio puts it: "They are not letters, but known forms, each one representing a single concept" (n.14 above, 11b). In this passage Reggio discussed the principle of the Egyptian writings, that were constructed of logograms, written signs that constituted ideas and words. "Hieroglyph" is a Greek word meaning "holy carving," and expresses the idea that the Egyptian inscriptions are a carving of sacred texts. When the Greeks conquered Egypt, they were impressed by the monumental inscriptions engraved in the walls of the Egyptian temples. The hieroglyphic characters, however, were not exclusively for the inscribing of hallowed texts, but were used mainly for secular compositions. This script is pictographic, like the Sumerian cuneiform script; initially, each picture represented a word, while over the course of time a system developed in which the characters represented syllables (see Naveh, *Early History*, 14–16; I. J. Gelb, *A Study of Writing* [rev. ed.; Chicago: Univ. of Chicago Press, 1963] 1–20, 72–81; G. R. Driver, *Semitic Writing from Pictograph to Alphabet* [London: Oxford Univ. Press, 1976] [1948]). It should be

Alexandria,[23] "that these signs [the hieroglyphs] were used only on tombstones and buildings (possibly for the comprehension of the uneducated who were illiterate), but they possessed another script (that he calls Epistolare) composed of letters, as is our practice at the very present, which they ascribe to Tut [Thoth, the god of wisdom, to whom the Egyptians attributed the imparting of the skill of writing], that they say was during the time of Abraham and Isaac."[24]

2. Luzzatto reminds Reggio that Herodotus, the father of history (484–25 B.C.E.), relates that the Phoenicians – the Canaanites, and with them a legendary character named Cadmus, brought writing (the letters of the alphabet, that are known as "Phoenician letters" or "Cadmian letters") to Greece.[25] This

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recalled that during the time of this dispute no deciphering of the Egyptian script had yet been published. It was only in 1822 that Jean-Francois Champollion informed the French Academy of his success in deciphering the hieroglyphic script by means of the Rosetta Stone, a stele with a bilingual (Egyptian and Greek) inscription in three scripts that had been discovered 23 years previously in Rashid (Rosetta) in the Nile Delta region. In a letter to his friend Jacob Goldenthal (October 4, 1850), Luzzatto relates that he had a year previously read "Champollion's books, and then I found, or it seemed to me that I had found, most of the forms of the characters in the hiératique writing of the Egyptians." The letter was published in *Ha-Shahar*, year 2, issue 8 (Vienna, 1871) 335–39, and reprinted in *Peninei Shadal*, 367–71, esp. 367. The question of the origin of the alphabet therefore troubled Luzzatto many years later.

23 "Cited in the words of *La Harpe la Chine* and also in the book *Enciclopedia art écriture*" (*Iggerot Shadal*, 32). Clement of Alexandria, a Christian theologian, one of the Fathers of the Greek church (ca. 150–215 C.E.), was born to pagan parents, most probably in Athens, and traveled in his youth in search of a teacher who would instruct him in Christianity. He found a teacher named Pantaenus, who headed a school for Christians in Alexandria. When his teacher died, he was succeeded by Clement. He is considered to be the first Christian who approved of Greek education, upon which he based his teachings. See H. Chadwick, *The Early Christian Thought and the Classical Tradition* (Oxford: Clarendon, 1966); E. A. Clark, "Clement of Alexandria," in M. Eliade, ed., *The Encyclopedia of Religion* (16 vols.; New York-London: Macmillan, 1987) 3:533–34.

24 *Iggerot Shadal*, 32–33; *Mehkerei ha-Yahadut* 2, 6. It is known now that the Egyptians preserved the tradition of their script, and therefore used the script with hundreds of characters, and not alphabetic writing, until the end of the first millennium B.C.E.

25 See A. D. Godley, trans., *Herodotus* (4 vols.; Cambridge, Mass.–London: Loeb Classical Library) 3:58–59). Cadmus is also known as Cadmus of Tyre (*Herodotus*, 2:49 [English trans., 1:337]). The ancient historians generally agreed that the Greeks learned writing from the Phoenicians, but they disagreed on the question of the source of the Phoenician script itself. Didorus Siculus (a first century B.C.E. Greek historian, who wrote the forty volume world history *Bibliotheca historica*) and Gaius Plinius Secundus (a Roman author, 23–79 C.E., author of *Naturalis Historia*, the most extensive encyclopedia in antiquity) conjectured that the Assyrians invented writing, and the Assyrians learned from them. Plato (one of the greatest Greek philosophers, 428/7–347/6 B.C.E.), Cornelius Tacitus (Roman historian, 50–120? C.E.) and others ascribe the invention of the art of writing to Egypt. The ancient Chinese attribute writing to the dragon-faced Tsang-Chieh; the ancient Greeks credited the invention of writing to the god Hermes, or other mythological figures, especially to the mythological character Cadmus. The Romans attributed writing to the god Mercurius. See D. Diringer, *Encyclopedia Americana* (30 vols.; New York: Americana, 1969) 29:559, col. 1, lines 2–6. Modern scholars hardly engage in the question of how the ancients related to script, but rather

occurred at the end of the time of Moses, "although the script was known among the Canaanites before Moses, for in his time it cannot be said that they learned this from Israel, who were dwelling apart in the wilderness."[26]

3. Luzzatto brings another proof for the knowledge of alphabetic script from the writings of the sixth-century historian Procopius (Procopio, Pluche tomo, 13), who attests "that in the vicinity of the city of Tangier, at the end of the land of Mauritania [the historical name of a region in northwestern Africa, in the area that today comprises northern Morocco and most of Algeria], two pages were found, on which was written in Canaanite script: 'We are among the people who fled for fear of Joshua ben Nuh' [copyist's error]. From this also is a proof . . . of the existence of letters in the time of Moses, for the Canaanites who fled from Joshua undoubtedly did not learn script from him, but rather knew it beforehand."[27]

4. Luzzatto brings an additional proof from the writings of Herodotus, who relates that the Egyptian king Sesostris,[28] who conquered many lands and made them a slave force, would erect in them victory columns, "on which were written in letters his name and the name of his land, and how he prevailed over them."[29] Luzzatto maintains that, according to Herodotus himself, Sesostris reigned "before Ferone, who preceded Proteo,[30] who was during the time of the Trojan War, that preceded Herodotus by more than 800 years." Luzzatto therefore tends to accept the words of those who state that the king Sesostris is the monarch who is called in the Bible "Pharaoh," who lived in the

describe the development of script in accordance with the actual finds that were uncovered. For detailed discussions, see D. Diringer, *The Story of the Aleph Beth* (New York: Lincolns-Prager, 1958); Daniels and Bright, *The World's Writing Systems*; A. Gardiner, "The Egyptian Opinion of the Sinaitic Alephbeth," *Journal of Egyptian Archaeology* 3 (1916) 1–16.

26 *Iggerot Shadal*, 33; *Mehkerei ha-Yahadut* 2, 6.

27 *Iggerot Shadal*, 33; *Mehkerei ha-Yahadut* 2, 6; in the standard English translation of Procopius: "They also built a fortress in Numidia, where now is the city called Tigisis. In that place are two columns made of white stone near by the great spring, having Phoenician letters cut in them which say in the Phoenician tongue: 'We are they who fled before the face of Joshua, the robber, the son of Nun' " (H. B. Dewing, trans., *Procopius* 4:10:22 [London–Cambridge, Mass.: Loeb Classical Library, 1958] 2:289). Procopius was born in Caesarea ca. 500, and died in Constantinople after 563. He was a Byzantine historian and statesman who acquired his education in rhetoric and law. In Constantinople he was close to the court of the emperor Belisarius and participated in the latter's military campaigns (Diringer, *Encyclopedia Americana*, 22:630–31).

28 According to Josephus (H. St. J. Thackeray and R. Marcus, trans., *Ant.* 8:253 [20 vols.; London–Cambridge, Mass.: Loeb Classical Library, 1950] 5:709, Sesostris is Shishak king of Egypt (1 Kings 14:25), but according to current historical thought, he is the son of Amenemhet I, the founder of the XII Dynasty, who lived centuries before Shishak. This king ruled for 46 years (see von Beckerath, *Chronologie*, n. 37, below).

29 Herodotus 1:2:102–111, 137.

30 Herodotus 1:2:112–116, 118, 121.

time of Moses, or shortly after him. "And he would write in letters, as is our practice today, and he did not learn the act of writing from Israel, for in his time they were dwelling apart, and had no dealings with anyone; consequently, he knew this previously; and accordingly, script was known before Moses."[31]

5. Luzzatto attempts to prove the antiquity of script also from the writings of the medieval commentators. He indicates the statement by Maimonides in the *Guide for the Perplexed*, who "mentions books from the very ancient Sabian books, that also mention the annals of the Patriarch Abraham."[32] And in 1:71, that discusses the question of the eternity or the creation in time of the world, Maimonides writes: "At present it will be enough for you to know with regard to this question that the philosophers of the various epochs have been disagreeing with respect to it for the last three thousand years up to this our time, as we can find in their works and the reports concerning them."[33] Luzzatto deduces from this that books had already been written 3,600 years before Maimonides, that is, more than 400 years before Moses.

6. Luzzatto also brings what he considers to be a proof from the commentary of Nahmanides on the verse: "*He sent word* [*va-yomar*, literally, he said] to Moses, 'I, your father-in-law Jethro, am coming to you'" (Exodus 18:6). In Nahmanides' words: "He sent him the message in a letter [following the opinion of R. Joshua in *Mekhilta*] in which it was so written. A messenger could not have said: 'I, your father-in-law.' He rather would have said: 'Behold, your father-in-law Jethro is coming to you.' It is likewise not possible that Jethro told him so mouth to mouth, for then he would have said: 'Behold, I have come to you.' Moreover, it is not customary for [the speaker] to mention his name: 'I, so-and-so,' for upon seeing him, he would recognize him. A similar case is: 'Huram, king of Tyre, *said in writing* and sent to Solomon'" [2 Chronicles 2:10]. Luzzatto comments on this: "Now, even though this is the opinion of an individual, it is to be relied upon as the words of the Torah themselves, since this is the only possible interpretation of the text according to its simple meaning. For how could the emissary say, 'I, your father-in-law

31 *Iggerot Shadal*, 33; *Mehkerei ha-Yahadut* 2, 6.

32 For the Sabian book, that describes the pagan forms of worship of the peoples of the Ancient Near East, see S. Pines, "*Studies in the History of Jewish Philosophy: The Transmission of Texts and Ideas* (Heb.) (Jerusalem: Bialik Institute, 1977) 103–74, esp. 163–64. In Arabic, the term "*tzaba*" is used to denote all idolatry. Maimonides refers to "The Nabatean Agriculture" to describe the "Sabian" belief (*Guide for the Perplexed* 3:29). He asserted the antiquity of the book, but it is currently known that it was composed by Ibn Wahshiyah in the tenth century. This book presumed to describe the religious and traditional practices of ancient Babylonia, against which Abraham rebelled, and with this revolt laid the foundations for the Israelite faith.

33 M. Maimonides, *The Guide of the Perplexed*, trans. S. Pines (Chicago: Univ. of Chicago Press, 1964) 180.

Jethro, am coming to you'?[34] and if Jethro himself said this to Moses, how could it then say: 'Moses went out to meet his father-in-law' [Exod 18:7]? For he had already seen him and spoken with him. Hence, the simple meaning of Scripture is only as Nahmanides writes, and *if so, Moses was not the first writer.*"[35]

7. Luzzatto mentions to Reggio that most scholars in their time concurred "that the Book of Job was written before the wilderness generation, and their view is well-based."[36] Consequently, use was made of alphabetic script prior to the time of Moses.

On June 11, 1819, Reggio sent from his city of Gorizia a letter in response to Luzzatto, in which he reiterated his view "that script was not known in the time of our teacher Moses, may he rest in peace." He argued that Luzzatto's proofs were not conclusive.[37] Thus, for example, he writes that the author Clement of Alexandria himself maintains in another place that Moses was the first to invent

34 R. Eleazar ha-Moda'i (*Mekhilta*) learns from the wording "*va-yomar*" that the reference is to an emissary, who was sent to deliver this statement to Moses; this understanding was opposed by Luzzatto.

35 *Iggerot Shadal*, 33; *Mehkerei ha-Yahadut* 2, 7.

36 *Iggerot Shadal*, 33; *Mehkerei ha-Yahadut* 2, 7. For those who assign an early date to the composition of the book, see, e.g., the book by the theologian and Bible scholar, Bishop Robert Lowth of London, who wrote in Latin in 1773 one of the most famous works in the history of literary Bible scholarship. The book appeared in English in two volumes and won much renown: R. Lowth, *Lectures on the Sacred Poetry of the Hebrews* (London: J. Johnson, 1787; Hildesheim: G. Olms, 1969). Regarding the antiquity of the book of Job, Lowth writes: "for that it is the most ancient of the sacred books, is, I think, manifest, from the subject, the language, the general character, and even from the obscurity of the work" (354). Johann Gottfried Eichhorn also writes that the book of Job is "the most ancient poetical work in antiquity": J. G. Eichhorn, *Einleitung ins Alte Testament* (3 vols.; Reutlingen: J. Grozinger, 1790) 3:472 par. 633; 3:476–86 par. 637; and Judah Leib ben Ze'ev also maintains "that the body of the book was written in the Arabic language or in some Aramaic close to it, and Moses skillfully copied this book into the Hebrew language, only he and no other was capable of training his hands, to render the polished lyrics from one language to another, without its taste growing faint or its fragrance being spoiled; and possibly it is purer and more sublime than the body of the book" (*Mavo el Mikra'ei Kodesh*, 65b). See also idem, *Kitvei Kodesh, Nidpasim Mehadash u-Mehudarim be-Tosefot Rabbot, Sefer Iyov im Targum Ashkenazi u-Biur, ve-Nilveh eilav gam ha-Mavo me-et ha-Hakham R. Yehudah Leib ben Ze'ev z"l* (The Holy Scriptures, reprinted and adorned with many additions, the Book of Job with a German translation and commentary, also accompanied by the Introduction by the sage R. Judah Leib ben Ze'ev, of blessed memory) (Vienna: A. von Schmid, 1839), the first eight pages (no pagination). In this introduction Judah Leib ben Ze'ev maintains once again, in language similar to the wording used by Eichhorn, that "this ancient book [Job] is earlier than all the Hebrew books" (first page). For Luzzatto's position concerning the time of the composition of the book of Job, see S. Vargon, "The Date of Composition of the Book of Job in the Context of S. D. Luzzatto's Attitude to Biblical Criticism," *JQR* 91:3–4 (January–April, 2001) 377–394.

37 *Katuv Yosher*, 15–18.

the art of writing.[38] This view is also held by Cornelio Agrippa,[39] as is cited in the book by Nonnotte. Eusebius of Caesaria (260–340 C.E.) in his book *Preparazione Evangelica* (*Praeparatio evangelica*),[40] chapter 8, writes in the name of the ancient philosopher Eupolemo (Eupolemos)[41] that the invention of alphabetic script is to be attributed to Moses (the Canaanites took this from him, and from them this script passed to the Greeks). Reggio notes that there are different opinions even regarding the time of Tut: some assign to him an early time, that of the Exodus from Egypt, while others place him in a later period; and even regarding those who date him earlier, it is not clear on what basis they make this determination: whether they follow the count of years from the Creation, or from the beginning of the monarchy in Egypt. "And in the final analysis, the individual Tut did not leave behind any book or writing from which we may judge regarding his existence, so how can we bring a proof from him?"[42]

As regards Luzzatto's argument concerning the Canaanite script discovered on columns close to the city of Tangier, Reggio responds with a question: "Who knows whether this was in an alphabet, or by means of hieroglyphs? And who knows if this was written by the Canaanites themselves who fled from Joshua, or whether their sons wrote this as a memorial for their parents, and used the language, as if it were their parents who were speaking?"[43]

Against the statement by Luzzatto that, according to Herodotus, writing was already known in the time of the king Sesostris, Reggio maintains that we do not

38 According to Reggio, this is so stated by Nonnotte in his book "*Dizionario Biblico*." The intent is apparently to the book *Dictionnaire philosophique de la religion, ou l'on etablit tous les points de la religion, attaques par les incredules, & ou l'on repond a toutes leurs objections* (Avignon, 1772; published in many editions, in various European languages; the Italian edition: *Dizionario filosofico della religion* . . . [Venice: Zerletti, 1779]), a response to the objections raised against religion, and directed primarily against the *Dictionnaire philosophique* by Voltaire, by Claude-Francois (Adrien) Nonnote (1711–93), a French Jesuit. See: A. Degert, "Claude-Adrien Nonnote," *Catholic Encyclopedia* (16 vols.; New York: Encyclopedia Press, 1913) 11:99–100.

39 The intent is probably to Agrippa von Nettesheim, Heinrich Cornelius, a German author, physician, and philosopher (1486–35), whose worldview was based on a complete belief in Scripture. He is known for his *Three Books of Occult Philosophy* (1651), in which he discusses the three worlds that God created *ex nihilo*.

40 In this book Eusebius demonstrates that it was only Judaism that changed the correct foundation upon which Christianity is based.

41 Eupolemos, who lived in the second century B.C.E., is considered to be the first Jewish Hellenistic historian. He wrote a book in Greek on the kings of the Jews entitled *On the Kings of Judah*, portions of which were preserved in *On the Jews* by Alexander Polyhistor. The Church Fathers Clement of Alexandria and Eusebius of Caesarea quoted Eupolemos, as preserved in the latter, in their writings. According to *Maccabees*, Eupolemos was a member of the delegation of Judah Maccabee to Rome that forged friendly relations and an alliance between the two peoples (1 *Macc* 8:17–32). See *Encyclopedia Judaica* (16 vols.; Jerusalem: Keter, 1972) vol. 6 cols. 964–66.

42 *Katuv Yosher*, 17.

43 *Katuv Yosher*, 17.

know when this king lived, and the determination of his time prior to the Trojan War is not sufficient, because this war — if it actually was a historical event — occurred, at the earliest, in the time of Gideon son of Joash, in the period of the Judges, according to "the wisest of all in the calculations of the years Petavio," and this therefore does not constitute a proof for writing predating Moses.[44]

The proof from the writings of Maimonides also is not substantial, according to Reggio, because Maimonides "did not state that those compositions were written three thousand years before today, he said only that from the compositions of the philosophers of the generations (whenever they were written) we know that the ancient philosophers disagreed on this issue for three thousand years, and who would not understand that these philosophers were debating this issue orally, with their opinions being written in a book several generations later?"[45]

Reggio also refutes the proof that Luzzatto brings from what is written in the Torah portion of *Yitro*, and he defines it "a tenuous and weak allusion, for even if I admit to you that Jethro sent him a letter, who will tell you if that writing was in actual letters, or by means of forms and signs, in the manner of hieroglyphics?"[46]

Regarding the argument that the Book of Job was written before the wilderness generation, Reggio says: "All the scholars did not concur with this view, and at any rate, here, our teacher Moses, may he rest in peace, committed it to writing."[47] Reggio concludes his letter with the following:

> The sum of the matter, we have no clear proof of the existence of writing earlier than our teacher Moses, may he rest in peace. All the support that you seek from the sages of the generations is merely a doubtful argument, as I have shown you. Since, however, the writing of our Torah by our teacher Moses, may he rest in peace, is agreed upon and [accepted as] true by any intelligent person, as was proved at length by great sages from the non-Jewish peoples, especially the latest of them all Jahn[48] in his book *Introductio in libros sacros*, who collected strong proofs from all who preceded him,

44 The Egyptian monarch Sesostris is currently acknowledged to be a king of the XII Dynasty. Von Beckerath recently published the Egyptian royal chronicles, including the kings of the XII Dynasty (1976–1794 B.C.E.). The listing indicates that three kings of this dynasty bore the name Sesostris: the first reigned during the years 1956–10, the second, from 1882 to 1872, and the third, 1872–53. J. von Beckerath, *Chronologie des Pharaonischen Ägypten* (Mainz: P. von Zabern, 1997) 187.

45 *Katuv Yosher*, 17.

46 *Katuv Yosher*, 18.

47 *Katuv Yosher*, 18.

48 The intent is to the Austrian Johann Jahn, an important Catholic theologian and Hebraist (1750–1816), who wrote six books and was a professor of Oriental Languages and Biblical Archaeology at the University of Vienna, 1789–1806. The book mentioned by Reggio was first written in German: *Einleitung in des AT* (1793–1802), and was later published in a Latin edition (1804; 1815). See *Encyclopaedia Judaica* (10 vols.; Berlin: Eschkol, 1928) 8:779.

> and who established this cornerstone as an immovable peg, so that anyone who casts doubt on this will be considered simple and a fool. Accordingly, the truth of this is a certain argument, and as you already know, in a case of certain and doubtful, the certain is preferable. Accordingly, my decision that our teacher Moses, may he rest in peace, invented the art of writing is correct, and we are not to fear that the deniers [i.e., the critical scholars, who deny that Moses wrote the Torah] will take from this an argument for their denial, for you have received irrefutable proofs such as I have revealed to you. Consequently, I did not trouble myself to bring proofs for this in my introduction [to the Torah]; nor are we to think that this view contradicts the teachings of the Rabbis, of blessed memory.[49]

On June 21, 1819, Luzzatto sent a letter to Reggio in which he admits that "among all my proofs there is not a single one that necessitates the existence of writing prior to the Exodus from Egypt." Accordingly, he states, he decided to reject the futile proofs that he cited, "because I do not desire to rely upon proofs that contain a fallacy from any aspect."[50] When Luzzatto realized that there were no true proofs for the existence of writing before the time of Moses, he adopted a new approach to reject the view of his friend. He would now attack the starting point of Reggio's hypothesis. The assumption upon which Reggio bases his thesis is, according to Luzzatto, "anything for which we have no proof — never existed."[51] This is indicated by the formulation of Reggio's conclusion in his letter: "The sum of the matter, we have no clear proof of the existence of writing earlier than our teacher Moses, may he rest in peace. . . . Accordingly, my decision that our teacher Moses, may he rest in peace, invented the art of writing is correct." Luzzatto also cites Reggio's statement from his book (end of 12a): "The sum of the matter, we have no proof of the existence of written letters before our teacher Moses, may he rest in peace, and certainly there was no book in existence in the world that predated the Torah scroll that we possess. . . . Accordingly, it is the clear truth that this man Moses . . . was the first to invent and to disclose to the world the art of writing with letters."[52] Luzzatto argues in response that the lack of proofs for the existence of something is not sufficient to rule out its existence. Due to the paucity of the information we possess concerning events from the dawn of history, it is possible that things happened for whose occurrence we have no proofs. One of those things could be the knowledge of script before the Exodus from Egypt. Later in his letter he adds, in a different context: "For our witnesses the written books did not come [down

49 *Katuv Yosher*, 18.

50 *Iggerot Shadal*, 36; *Mehkerei ha-Yahadut* 2, 8.

51 *Iggerot Shadal*, 36; *Mehkerei ha-Yahadut* 2, 9.

52 *Torat ha-E-lohim*, "Introduction," 12–13 (*Mehkerei ha-Yahadut* 2, 8–9).

to us] from that time and from that land, and if they were with us today, we might perhaps find the desired testimony."[53] An additional argument advanced by Luzzatto is that there is no allusion in the Torah or in the Oral Law for the innovation of the act of writing by Moses acting with Divine inspiration. If the art of writing had been transmitted to Moses in miraculous fashion, as is indicated by Reggio's arguments, the Holy One, blessed be He, would have written this in the Torah, so that people would know what was the source of writing. Since nothing is either written or alluded regarding such a miracle, he maintains, "we cannot fabricate miracles that are not mentioned in the Torah."[54] Acting in such a manner would "detract from the power of the Torah" to such an extent that it would draw its authority from miracles that are not written in it. It is inconceivable, he adds, that the Holy One, blessed be He, would desire to lead people astray by concealing information concerning such a great miraculous event.[55]

He therefore rejects the view put forth by Reggio that writing was revealed to Moses in miraculous fashion, thereby innovating the art of writing by Divine inspiration. Although there are no explicit proofs, it is to be assumed that the art of writing the Hebrew letters in which the Torah was written was already known in the time of Moses.

In light of this exchange of views, the question arises, what led Luzzatto to take such a resolute stance and to dispute with his learned friend, when they actually possessed a common intellectual platform, with both believing in the revealed Torah, in all the narratives of the Torah and the miracles portrayed in it, and both held the belief that Moses son of Amram wrote the entire Torah and transmitted it to Israel. Both also were of the opinion that Judaism could not exist "without the belief in Torah from Heaven."[56] Luzzatto apparently reasoned that Reggio in all innocence believed that if he were to publish his philosophical conclusion regarding the miraculous revelation of the secret of writing to Moses, he would impart this belief in the miraculous nature of this event to his readers as well. Luzzatto, on the other hand, considered that such a declaration by Reggio would provide a "pretext to the heretics to state that it was impossible for the Torah to have been written more than three thousand, one hundred years ago, since writing was not known at that time."[57] Luzzatto feared lest the view of the late invention of writing would serve as a basis for the claims of the Bible critics, who deny the belief that Moses wrote the Torah, and maintain instead that it was written later, since the alphabetic script, in which the Torah was written, was

53 *Iggerot Shadal*, 39; *Mehkerei ha-Yahadut* 2, 12.

54 *Iggerot Shadal*, 36; *Mehkerei ha-Yahadut* 2, 9.

55 *Iggerot Shadal*, 36; *Mehkerei ha-Yahadut* 2, 9.

56 *Mehkerei ha-Yahadut* 2, 29; Reggio, "*Torah min ha-Shamayim*," in the introduction to his commentary on the Torah (n. 11, above) 9b–11b.

57 *Iggerot Shadal*, 32; *Mehkerei ha-Yahadut* 2, 5.

not yet known in the time of Moses. The weighty opinion of an important rabbi such as Reggio, that in the time of Moses the art of writing was as yet unknown, was liable to provide support for those engaged in literary criticism of the Bible. Luzzatto therefore saw fit to pen criticism and even a reproach to his friend, the renowned sage, who was his senior by sixteen years. Luzzatto writes:

> "Do you not know? Have you not heard?" [Isa 40:28], you my brother, that this is one of the places the heretics have raised sacrilegious claims, and they maintain this with all their strength? The greatest sages therefore sought to uproot this "stock sprouting poison weed and wormwood" [Deuteronomy 29:17], and they bring all the proofs in the world . . . to demonstrate that writing was known in the time of Moses, and now you will do the opposite? . . . And how can you be so arrogant as to hope that the heretics will heed you, and that those people who deny all the wonders of our teacher Moses that are explicit in the Torah will believe the sign that you fabricated, and thereby believe the entire Torah? Do you think that the heretic will incline his ears to you when you speak such things to him: writing was not known in the time of Moses, and he was not capable of inventing it, rather, Divine inspiration taught him, and if so, then our Torah is divine, since Moses also received the method of its writing at Sinai? Know before whom you stand [usually used in reference to God], before a person who denies the entire Torah, who heaps calumny upon the prophets, and obviously derides the Torah and Divine service. If so, what will be his answer to you? It will be along the following lines: You say that writing was not known in the time of your teacher Moses, and I know that he did not learn it by Divine inspiration, because I know that prophecy is something impossible; at the very least, I have not seen until now any proof of the possibility of its existence, nor have you told me. Accordingly, it cannot be said that Moses wrote the Torah. Because of this "my heart quakes, and leaps from its place" [Job 37:1]. But you respond: No matter what, it is the truth that I seek, and fools who do damage will be held accountable for this.[58]

In a second letter, the young Luzzatto advises his older friend: "Heed me, and take my counsel, and may God be with you" (Exod 18:19). Abandon your view forever, write it a writ of divorce, and relief and deliverance will come to the Torah from another quarter, for there are many wonders (attesting) to its divine nature, for if you turn to them, they will respond to you (based on 2 Chr 15:2).[59]

58 *Iggerot Shadal*, 32; *Mehkerei ha-Yahadut* 2, 5–6.

59 *Iggerot Shadal*, 37; *Mehkerei ha-Yahadut* 2, 9.

In other words, Luzzatto tells Reggio that what he wrote on this issue will not be to his honor, because there are sufficient wonders that are capable of attesting to the divine nature of the Torah, and there is no reason to add a miracle that is connected with the giving over of writing from God to Moses, so that the latter would write the Torah in a new and special script.

The above dispute to which Samuel David Luzzatto and Isacco Samuel Reggio were party regarding the time of the writing of the Torah is a characteristic example of Luzzatto's debates with his colleagues, that find expression in his commentaries and in his other writings.[60] Luzzatto regarded himself duty-bound to battle against arguments that, in his opinion, were liable to undermine the Israelite faith. In the case under discussion, he was apprehensive of the publication of a position that, while possibly legitimate in terms of Israelite belief, was liable to be misused by the critical scholars who refuted the principle of "Torah from Heaven" by the hand of Moses. Luzzatto felt responsible to refute the critics of the Torah who assign a late date for its composition and who expropriate it from Moses, seeking to defend his faith in a logical-scientific manner. This characteristic line of thought, that was expressed in his later writings, whe was a renowned scholar, already manifested itself at the beginning of his career, when he was only nineteen years old.

60 See S. Vargon, "The Dispute between Shadal and his Colleagues over their Attitude to Ibn Ezra, against the Background of the Haskala Movement, Italy" (Heb., at press); S. Vargon, "Luzzatto's Attitude towards Higher Criticism."

The Common Places of American Reform Judaism's Conflicting Platforms

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No movement in Judaism has relied more heavily on statements of principle than has Reform – especially in the United States of America. Although scholars have examined many of Reform Judaism's declarations of doctrine individually, scant attention has been given to the cumulative role and function these statements have played throughout the course of Reform Jewish history. This study attempts to fill that lacuna. First, it endeavors to trace the historical development of American Reform's various statements of principle. Second, it attempts to provide an in-depth analysis of how – despite ever-changing content – the declarations served a number of common purposes. Finally, the study seeks to shed light on ways these documents, considered collectively, have served effectively to strengthen the Reform movement as it evolved in North America.[1]

Religious Credos and Jewish Formulae of Belief

It is well beyond the scope of this essay to provide a full historical overview of religious credos and how such documents compare and contrast with statements of religious doctrine in Judaism. It is important to note, however, that the impulse to identify the fundamental principles of religious faith in Judaism, as is the case with all strongly held convictions, derives from an innate human desire to give utterance to deeply rooted beliefs. Statements of religious doctrine serve a variety of functions: some documents attempt to distinguish one religious community from another. Others seek to separate official doctrine and praxis from heresy. There are even articles of faith that function as a form of prayer. These statements have been incorporated into the religious community's liturgical rite. There are declarations of belief that serve as a basis for religious instruction. Regardless of their primary function and purpose, all statements of religious doctrine, to one extent or another, strive to articulate a religious community's self-consciousness.[2]

1 Most of the individual studies on Reform Judaism's statements have been cited in the notes below.

2 A creed connotes a belief or conviction (*credo* is Greek for "I believe"). In his important article on creeds, G. Mensching asserts that a creedal document constitutes an attempt to express a conceptual

In rabbinic literature, for instance, we find many attempts to formulate the essential elements of Jewish faith. According to one well-known talmudic declaration, only those who believe in resurrection and the divine origin of the Torah will have a place in the world to come. In another passage, the sages contend that King David articulated a threefold doctrine of Jewish praxis: "One must possess three traits in order to cling to this people: compassion, humility and acts of loving-kindness." Such attempts to articulate the essentials of Jewish religious conviction reflect the ancient rabbis' desire to separate Jews from what they believed were competing heretical beliefs. From the rabbinic period on — and particularly during the medieval period when Jews participated in theological disputations with Muslims and Christians — there have been many attempts to capture the essential principles of Jewish belief in a statement or declaration of faith. In the twelfth century, Moses Maimonides (1135–1204) composed his famous "Thirteen Principles" which first appeared in his commentary on the Mishnah. Maimonides' "Thirteen Principles" soon became the exemplar of Jewish declarations of faith, and it influenced a long succession of subsequent formulations throughout the medieval period.[3]

In the late eighteenth century, Moses Mendelssohn (1729–86) developed an innovative concept regarding the fundamental principles of Judaism. Jewish ritual practice was divinely revealed, Mendelssohn argued, but the eternal beliefs of Judaism are identical with the truths of reason. Mendelssohn's ideas mark the dawn of a new phase in the history of Jewish statements of faith in that they attempt to reconcile modern concepts of reason and traditional notions of revealed faith. Each of the aforementioned attempts to define Judaism contributes to the historical backdrop for the nineteenth century ideologues who wanted to compose statements of principle for Reform.[4]

Christian Creeds and Modern Philosophy

Any discussion of Jewish statements of principle in the modern period must also mention the influence that modern Christian confessions had on the early

formulation of a given religious faith. See Mensching, "Bekenntnis," in Kurt Galling, ed., *Die Religion in Geschichte und Gegenwart: Handwörterbuch für Theologie und Religionswissenschaft* (6 vols.; Tübingen: J.C.B. Mohr, Paul Siebeck, 1957) 1(A-C): 988–99. Formulae of belief do not serve the same function and purpose in Judaism as they do in Christianity. On the function of creeds, see Philip Schaff, *Creeds of Christendom* (3 vols.; New York: Harper & Brothers, 1919) 1:4–9; and B.A. Gerrish, "Creeds" in Mircea Eliade, ed., *Encyclopedia of Religion* (16 vols.; New York: MacMillan Publishing, 1984) 4:138–50.

3 *B.Sanh.*10a and *b.Yebam.*79a. For an excellent article on the history of Jewish statements of belief, see Alexander Altmann, "Articles of Faith" in *Encyclopaedia Judaica* (16 vols.; Jerusalem: 1972) 3:654–60. See also, David Neumark, *Toledot ha-Ikkarim be-Yisrael* (2 vols.; Odessa: Moriyah, 1912–19).

4 Altmann, "Articles of Faith," 659.

reformers. The Jews who participated in the creation of Reform Judaism's earliest statements of belief were cognizant of the efflorescence of Christian creeds — both at the time of the introduction of Christianity and in the aftermath of the Reformation of the sixteenth century. Kaufmann Kohler (1843–1926), for example, one of the central ideologues of American Reform Judaism, was keenly interested in the comparative history of Judaism and Christianity. There can be no doubt that he had a general familiarity with early Christian creeds, and it is quite possible that he had personally examined many Protestant creeds that had been adopted in America during the nineteenth century. Kohler was not unique in this regard. It is interesting to note that despite the obvious differences in content, the literary structure of some of Reform Judaism's declarations bears an interesting resemblance to contemporaneous Protestant creeds.[5]

The modern philosophical polemics which raged during the nineteenth century also influenced the minds of those who tried to formulate statements of Reform Jewish belief. In particular, the arguments of the German idealist philosophers influenced many liberal Jewish thinkers. Samuel Hirsch (1815–89), who played a central role in the shaping of Reform Jewish thought in Europe and in the United States, illustrates this phenomenon. Hirsch's monumental attempt to reconcile Judaism and Hegelian idealism (*Religionsphilosophie der Juden oder das Prinzip der jüdischen Religionsanschauung und sein Verhältniss zum Heidenthum*) exemplifies how philosophical dialectics of the nineteenth century informed contemporaneous attempts to commit the fundamental tenets of Reform Judaism to writing.[6]

5 The structure of the Methodist "Articles of Religion" (1784) and the "Articles of Religion of the Reformed Episcopal Church in America" (1875) both employ a descriptive creedal style which deals with discreet topics section by section. The first paragraph focuses on the concept of God, the second on sacred scripture, the third and fourth on fundamental tenets, etc. Though it may be a mere coincidence, the Pittsburgh Platform of 1885 (see below) makes use of a similar structure. Similarly, the more explicative style which characterizes the "Guiding Principles of Reform Judaism" (Columbus 1937) is comparable to the style of writing that was used in the "Affirmation of Union" statement adopted at the Second World Conference on Faith and Order which was held in Edinburgh the very same year. These similarities probably reflect common stylistic trends and certainly not a direct influence. Nevertheless, it would be interesting to examine the language of the modern Protestant creeds more closely to see if specific phrases also appear in American Reform Jewish formulations. For more on Christian creeds, see Schaff, *Creeds of Christendom* and Gerrish, "Creeds." See also, J.N.D. Kelly, *Early Christian Creeds* (London: Longman Group Limited, 1972) and John H. Leith, ed., *Creeds of the Church: A Reader in Christian Doctrine from the Bible to the Present* (Chicago: Aldine Publishing, 1963). Kaufmann Kohler's works comparing Judaism and Christianity include *Heaven and Hell in Comparative Religion* (New York: The Macmillan Company, 1923) and *The Origins of the Synagogue and the Church* (New York: The Macmillan Company, 1929).

6 Emil L. Fackenheim, "Samuel Hirsch and Hegel" in Alexander Altmann, ed., *Studies in Nineteenth-Century Jewish Intellectual History* (Cambridge, Massachusetts: Harvard Univ. Press, 1964) 171–201.

Reform's European Antecedents

In Europe, the evolution of Reform statements of belief is generally traced back to the Assembly of Jewish Notables and the meeting of the Grand Sanhedrin which were convened by Napoleon in 1806 and 1807 respectively. The emperor had placed before the Assembly twelve questions which called upon the delegates to resolve certain conflicts that appeared to exist between Jewish law and civil law. Despite the fact that the Assembly's answers were responses to questions that came from outside the Jewish community, the Grand Sanhedrin's official pronouncements, which were formulated a year after the Assembly issued its answers to the emperor, did serve as a succinct expression of contemporary Jewish belief and practice. Some of the issues with which the Sanhedrin dealt reappeared in Reform Judaism's subsequent declarations of belief. More important, the Sanhedrin's statements may very well have been the first time that a Jewish assembly met to reconcile the apparently conflicting demands of traditional Judaism and the modern age.[7]

The attempt to conciliate contemporary realities and traditional Jewish belief became a central focus of European Reform Judaism's pioneering declarations. More than three decades later, rabbinical conferences in Brunswick (1844), in Frankfort (1845), and in Breslau (1846) provided rabbinical delegates with another opportunity, this time under Jewish auspices, to reconcile the demands of modern life and traditional Jewish belief. Their decisions, though not explicitly formulated in creedal terms, may be viewed as statements of principle. A generation later, synods in Leipzig (1869) and Augsburg (1871) provided European reformers with further opportunities to articulate a liberal Jewish view on how the conflicting demands of modernity and traditional Jewish practice could be reconciled.[8]

All of these deliberations influenced the historical development of doctrinal statements in American Reform. Indeed, some of those who participated in these conferences and synods also played an important role in shaping Reform Judaism's American declarations. Moreover, in the first volume of its annual publication, the Central Conference of American Rabbis (CCAR), established in 1889,

7 A detailed record of the European rabbinical conferences and synods was published in the first volume of the *CCAR Yearbook*. This record begins with the declarations of the Sanhedrin. See also, W. Gunther Plaut, *The Rise of Reform Judaism: A Sourcebook of its European Origins* (New York: World Union for Progressive Judaism, 1963) 71–95.

8 For an excellent series of charts which summarize the results of all of the European Reform's rabbinical conferences and synods, see Sylvan D. Schwartzman, *Reform Judaism in the Making* (New York: Union of American Hebrew Congregations, 1955) 66–75. See also, Michael A. Meyer, *Response to Modernity: A History of the Reform Movement in Judaism* (New York: Oxford Univ. Press, 1988) 132–42, 187–91; Plaut, *Reform Judaism*; and David Philipson, *The Reform Movement in Judaism* (rev. ed.; New York: MacMillan Company, 1931) 140–224, 284–328.

published the resolutions of the European conferences and synods and declared explicitly that the declarations of these bodies would be used as a "basis" for the work of the new association.

Nevertheless, these European formulations were all soon overshadowed by the documents that American reformers wrote and embraced. Reform Judaism's most definitive and influential statements of principle were those that were conceived in the United States. As we will see below, American Reform Judaism has produced a significant number of statements of principle, and these documents were frequently called "platforms" — a term of American origin. Indeed, the pattern of writing and adopting new statements of principle in an attempt to reconcile modernity and tradition endures up to the present day.[9]

Why have American reformers repeatedly adopted new statements of principle and how have these "platforms" served the needs of Reform Judaism in the New World? It is to these questions that we now turn our attention.

Reform's American Platforms

From the very first occurrence of an organized, communal attempt to reform Judaism in the United States, there have been attempts to define and delineate the rationale for the need to depart from Judaism's traditional beliefs and practices. By far the most prominent among these is the declaration of principle. Called by many names — statements, prospectuses, guiding principles, etc. — it was the American reformers who eventually began to call these documents "platforms." The term "platform" is unique to Reform Judaism in America. We know that as early as 1855 the pronouncements of the Cleveland Rabbinical Conference — the "Articles of Union" — were periodically labeled a "platform" in the pages of the Anglo-Jewish press. This same tag also appeared in the minutes of the proceedings of the Pittsburgh Rabbinical Conference of 1885.[10]

9 David Einhorn (1809–79), Samuel Adler (1809–91), and Samuel Hirsch were prominent rabbinic leaders in the European Reform movement who went on to serve American pulpits. Hirsch participated in the Brunswick Conference (1844), Einhorn attended the Frankfort Rabbinical Conference (1845), and Adler attended all three of Reform Judaism's European Rabbinical Conferences. Gustav Gottheil (1827–1903), a man who would become the rabbi of New York's Congregation Emanu-El, attended the Leipzig Synod of 1869. See Jakob J. Petuchowski, *Prayerbook Reform in Europe: The Liturgy of European Liberal and Reform Judaism* (New York: World Union for Progressive Judaism, 1968) 30. Petuchowski has argued persuasively that the towering European reformers Abraham Geiger (1810–74) and Samuel Holdheim (1806–60) impacted on American Reform through their disciples even though they themselves never left Europe. See Petuchowski, "Abraham Geiger and Samuel Holdheim — Their Differences in Germany and Repercussions in America," *Yearbook of the Leo Baeck Institute* 22 (1977) 139–59. On the CCAR and the European Rabbinical Conferences, see *CCAR Yearbook* 1 (1890) 80–117.

10 Laura Sheinkopf, "The Cleveland Conflict: The Debate Over Principles, Leadership, and Platforms at the Cleveland Conference of 1855" (Term Paper SC-14855, Hebrew Union College-Jewish Institute

It is easy to understand how the use of this particular nomenclature reflected comfortably the tenor of the nineteenth century political ambience that infused popular American culture. American political platforms owe their beginning to a statement of eight resolutions that was adopted by the 1830 convention of the Anti-Masonic Party. By mid-century, political platforms were de rigueur among the country's national political parties. Filled as they often were with impassioned language and rhetorical flourishes, political platforms hoped to attract partisans and engender communal enthusiasm. Thus it is not surprising that this particular word was used in reference to American Reform Judaism's best known statement of principle. After the Pittsburgh Rabbinical Conference's Statement of Principles, all of American Reform's declarations — regardless of official title — were subsequently (though unofficially) labeled "platforms."[11]

As we will see, all of Reform's American statements of principle have shared a common purpose: they all aspired to make their case for a Judaism that acknowledged the necessity and desirability of religious innovation, change in praxis, and ideological reformation. The changes in American Reform Judaism over the past 175 years are embedded within the various statements and manifestos that have sought to express the essence of Reform. Considered from one vantage point, it is possible to argue that each successive platform in American Reform Judaism reflects a religious philosophy that affirms the permanence of change, innovation, and transformation. No Reform platform, by definition, can ever be final. Just as Reform Jews insist that religion changes with the times, so too must its platform.[12]

A cursory reading of Reform Judaism's various platforms will certainly prove this point. Frequently, the ideals that one statement embraced were overturned or superseded by the framers of a successor platform. These changes thus serve as mile markers for those seeking to understand the evolving nature of American Reform. Yet, considered as a genre, Reform's platforms possess a noteworthy

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of Religion, The Jacob Rader Marcus Center of the American Jewish Archives [hereafter AJA], Cincinnati, Ohio, 2001). See also, Walter Jacob, ed., *The Pittsburgh Platform in Retrospect* (Pittsburgh: Rodeph Sholom Congregation, 1985) 90–123. On the Cleveland Conference and the Pittsburgh Conference, see below.

11 Although none of Reform Judaism's American statements of principle used the term "platform" as an official title, the label was indeed used in common parlance. This phenomenon occurred even when there was a pointed reason to avoid calling the statement a "platform." The Centenary Perspective (1976) is a case in point. The framers deliberately and explicitly eschewed using the term "platform" or "declaration of principles." Even so, historian Michael A. Meyer later referred to the document as the San Francisco Platform. See Meyer, *Response to Modernity*, 383. On American political platforms, see Edward W. Chester, *A Guide to Political Platforms* (Hamden, Connecticut: Archon Books, 1977); and Donald Bruce Johnson and Kirk H. Porter, eds., *National Party Platforms 1840–1972* (Urbana, Illinois: Univ. of Illinois Press, 1973).

12 See also, Allen F. Davis and Harold D. Woodman, eds., *Conflict and Consensus in Early American History* (Lexington, Mass.: D.C. Heath, 1984).

congruence of purpose that is frequently overlooked. It is important to bear in mind that – no matter how radically the content of one platform may have differed from that of its predecessor – the basic forces that motivated reformers to compose these divergent documents have remained remarkably consistent. Before we identify these motivating forces, we begin with a brief review of the most significant documents that have, at one time or another, attempted to encapsulate American Reform's fundamental creed.

The Constancy of Conflict

Students of American Jewish history are familiar with American Reform Judaism's most famous platform – a resolution that was crafted and adopted in 1885 in the city of Pittsburgh and, less so, its successor platforms: the so-called Columbus Platform,[13] the Centenary Perspective,[14] and another Pittsburgh declaration,[15] referred to hereafter as Pittsburgh II. With the exception of the "dean" of Reform Judaism's platforms, the so called Pittsburgh Platform of 1885, all of the statements mentioned above were officially adopted by the CCAR, the world's oldest rabbinical association in continuous existence.[16]

There have been, however, other defining statements that have made the case for reform in American Judaism. Like the Pittsburgh Platform of 1885, these other statements never received formal sanction by an official rabbinical body or a standing organization. Nevertheless, these statements of principle constitute a vital part of the historical landscape just as they serve to illuminate the existence of a persistent impulse that prompts reformers to justify and define the changes they have made or seek to make in the context of an American Judaism.

Charleston. The first formal call for a reform of Judaism in the United States of America may be traced back to a little known but remarkable "Memorial" (a petition) that was signed by a group of Jews who wanted to institute religious reforms in Charleston, South Carolina's synagogue, Kahal Kadosh Beth Elohim (KKBE). On Wednesday, November 21, 1824, a "handful of men" – many of whom had been only peripherally involved in Jewish life for quite some time – met in Charleston to investigate "the reasons which may have led them from the Synagogue." Those who attended that meeting resolved to petition the synagogue's leadership for change.[17]

13 "Guiding Principles of Reform Judaism" (Columbus, Ohio, 1937).

14 "Reform Judaism: A Centenary Perspective" (San Francisco, 1976).

15 "A Statement of Principles for Reform Judaism" (Pittsburgh, 1999).

16 On the history of the Central Conference of American Rabbis, see esp. Bertram Wallace Korn, ed., *Retrospect and Prospect: Essays in Commemoration of the Seventy-Fifth Anniversary of the Founding of The Central Conference of American Rabbis* (New York: CCAR, 1965).

17 L.C. Moïse, *Isaac Harby* (Charleston: Central Conference of American Rabbis, 1931) 99. For a more

One of those present (probably Abraham Moïse [1799–1869]) composed a Memorial that was to be presented at "a meeting of the Convention of Israelites" for formal adoption. Such a "Convention" met on Thursday, December 23, 1824, and forty-seven of those in attendance signed their names to the petition. They then instructed their chairman, Aaron Phillips (1792?–1846/7), to deliver this document to the *Adjunta* (governing board) of KKBE. The Memorial was a brief rationale for the need to reform the practice of Judaism in Charleston and, in this sense, it may be viewed as the first attempt in North America to explain what was meant by the reformation of Judaism.[18]

The petitioners enumerated their complaints together with their proposed solutions: first, since most of the congregants no longer understood Hebrew; "By causing the Hasan, or reader, to repeat in English such part of the Hebrew prayers as may be deemed necessary," they suggested, "it is confidently believed that the congregation generally would be more forcibly impressed with the necessity of Divine worship. . . ."

Second: the worship service was too long. They urged the congregational leaders to remove everything "superfluous," and retain only "the most solemn portions." Specifically, they intensely disliked the traditional practice of having members pledge monetary offerings just prior to the Torah reading. What kind of an impression did the custom of fund raising in the midst of the worship service give to children and strangers? The petitioners urged the *Adjunta* to adopt a system of "annual subscriptions" so that this "irregular, indecorous, and highly to be censured" practice could be eliminated. A third request, reflecting Protestantism's influence on the "memorialists," was for the synagogue's reader to offer a weekly discourse, in English, on a chapter or verse from Scripture "like all other ministers."

Lest the *Adjunta* argue that the proposed changes constituted an unthinkable desecration of sacred tradition, the "memorialists" noted that a "reformation" of

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extensive analysis of the Reformed Society of Israelites, see Gary Phillip Zola, *Isaac Harby of Charleston, 1788–1828: Jewish Reformer and Intellectual* (Tuscaloosa, Ala.: Univ. of Alabama Press, 1994). On Charleston's Jewish community during this period, see James William Hagy, *This Happy Land: The Jews of Colonial and Antebellum Charleston* (Tuscaloosa, Ala.: Univ. of Alabama Press, 1993).

18 For the text of the "Memorial — A Petition to the Parent Congregation," see Moïse, *Harby*, 52–59, the source of all the quotations from the document in this paper. We do not know very much about either the meeting on November 21, 1824 or the one held on December 23, 1824. Barnett A. Elzas, *Reformed Society of Israelites: History and Constitution* (New York: Bloch, 1916) 44, noted that the Memorial was written by Abraham Moïse. The decision to petition the *Adjunta* for liturgical changes was probably made at the November meeting. During the interim, the Memorial was written. A minimum of forty-seven Israelites attended the January convention, although it is possible that others attended and decided not to sign the petition (Moïse, *Harby*, 52, 59, 99). The use of terms like "memorial" and "convention" reflects political language then current in South Carolina. The terminology would have been familiar to many of the Society's founders since a large number of them had been active in local politics.

Judaism was already underway among their coreligionists in "Holland, Germany, and Prussia." To demonstrate both the timeliness and legitimacy of their proposal, they inserted the text of an article from the *Frankfort Journal* which had recently been reprinted in the Charleston press. How ironic, they remarked, that a reformation of Judaism could flourish "amidst the intolerance of Europe." From this fact, the Charleston reformers deduced that "no climes, not even tyranny itself, can forever fetter or control the human mind." If a reformation of Judaism could take place in the Old World, how much the more so is the reforming spirit likely to affect the "free citizens of America."[19]

The program these pioneering reformers were advocating dealt exclusively with changes in ritual and practice. The authors and signatories were laymen and not rabbis, scholars, or ideologues. An improvement of Jewish life in America would come, in their opinion, once the synagogue instituted the various reforms in ritual practice. Their "platform" did not attempt to provide a philosophy or ideology of Reform Judaism. Their goal was simple and stated explicitly in the document: this plan of action was intended to spark a revitalization of Jewish life and bring dozens of disaffected Jews back into the synagogue.[20]

On Monday, January 10, 1825, the *Adjunta* politely explained to the petitioners why their recommendations could not be considered. Article XIV of KKBE's 1820 constitution[21] explicitly stipulated that, should changes in the synagogue's constitution become necessary, a meeting to discuss any constitutional alteration

19 According to the text of the petition itself, the "memorialists" read about the attempts at reform in Europe in the *Frankfort Journal*. This remark has prompted some historians to insist that Jewish religious reform in Europe had aroused interest in Charleston. See Philipson, *The Reform Movement*; Moïse, *Harby*, 41; Barnett A. Elzas, "Reformed Society of Israelites," *The American Hebrew* (Literary Supplement) (December 7, 1906); Bertram Wallace Korn, *German-Jewish Intellectual Influences on American Jewish Life, 1824–1972* (B.G. Rudolph Lecture Series; Syracuse, N.Y.: Syracuse Univ., 1972). The fact that the dissenters quoted from the *Frankfort Journal* hardly proves that this information about the fledgling reforming trends in Europe actually inspired them to establish their Society. The motivating factors, as I argue, were essentially domestic concerns — problems which they faced close to home. They mustered the example of European Jewish reform in their petition in order to authenticate the viability of their objectives.

20 Moïse, *Harby*, 52–59.

21 Barnett A. Elzas published a copy of Beth Elohim's 1820 constitution, *Constitution of the Hebrew Congregation of Kaal Kadosh Beth-Elohim or House of God* (Charleston: Daggett Printing, 1904). See also, Petuchowski, *Prayerbook Reform in Europe*, 111; Albert M. Hyamson, *The Sephardim of England* (London: Methuen, 1951) 27 ff. and 188 ff. Elzas' implication that the leadership of the Bevis Marks community asserted some direct influence on KKBE during these years seems overdrawn. As Elzas himself pointed out, Beth Elohim members did not hesitate to reject the Hazan whom Bevis Marks had selected for them (at their request!) in 1807; Elzas, *Jews of South Carolina* (Philadelphia: J.B. Lippincott, 1905) 147–57, 291. It is interesting to note that two of the forty-three individuals, Jacob Lazarus and Lyon Levy, who signed the constitution of the Reformed Society of Israelites had been in the General *Adjunta* of Beth Elohim and were among the twenty-five signatories to the 1820 constitution.

had to be convened in one of two ways: by the *Parnassim* (executive officers) and *Adjunta*, or by two-thirds of all the subscribers (not including the members of the *Adjunta*). In other words, since the *Adjunta* had no reason to call a constitutional convention, the petitioners would need to produce a petition signed by two-thirds of the congregation's subscribers —"the very body before whom it was to be laid." This was an impossible goal.[22]

The *Adjunta*'s refusal to discuss the Memorial sparked the establishment of the first organized effort to reform Judaism in the United States: the "Reformed Society of Israelites for Promoting True Principles of Judaism According to its Purity and Spirit."[23] One of the Society's earliest written compositions was a statement of its religious beliefs titled "Articles of Faith," modeled unquestionably after the well known "Thirteen Principles" of Moses Maimonides.[24] A Preamble to the Articles of Faith expressed the core of the Reformed Society's basic creed.[25]

22 Moïse, *Harby*, 60. One might speculate as to why KKBE decided to enact a new (and rather autocratic) constitution in 1820. Was it possible that the adoption, in 1820, of an authoritative code was in fact an attempt to forestall (by means of constitutional governance) earlier pleas for worship reform?

23 For more on the history of this Society, see Zola, *Isaac Harby*, 112–49.

24 These ten precepts, written first in English and later translated into Hebrew, were drafted by Isaac Harby and Abraham Moïse. The recent discovery of Abraham Moïse's personal copy of the 1830 (published) *Prayerbook* now makes it possible to identify with certainty the authors of many of the prayers in the Society's *Prayerbook*. On April 3, 1852, Moïse annotated his *Prayerbook* by writing the names of the authors of the various prayers on the bottom of the pages. We may only speculate as to what prompted him at this particular time in his life. At fifty-three, he may have wanted to leave a record of his contributions to the Society for posterity. No doubt, he was proud of the prayerbook as well as the Society. In 1852, KKBE was in a state of turmoil over its minister, Julius Eckman. Apparently Eckman was more of a traditionalist, and the liberal faction of the congregation was most unhappy with his ministrations. Perhaps the reformers felt under assault during this time — a factor which prompted Moïse to reminisce about the Society and its accomplishments. On the Eckman controversy, see especially, Joshua Stampfer, *Pioneer Rabbi of the West: The Life and Times of Julius Eckman* (Portland, Ore.: J. Stampfer, 1988) 36 ff.; see also, Solomon Carvalho, *Incidents of Travel and Adventure in the Far West, Etc.* (Philadelphia: Jewish Publication Society, 1954) 29; and Elzas, *Jews of South Carolina*, 218. Copies of Moïse's annotated prayerbook will be found in the AJA and in the Jewish Archives of Tulane University. It was my teacher, the late Dr. Jacob Rader Marcus, who first made me aware of the existence of this rare document. Two early Hebrew translations of the Society's "Articles of Faith" survive: Tyler Ellison, a Christian Hebraist, prepared a "paraphrase" at the request of the "R.S. of I," probably in 1826. Michael Michalovitch, who is identified in the Isaac Harby prayerbook manuscript as "professor of Hebrew at Princeton College," drafted a second version on August 27, 1827. See Edward L. Cohen, *The Isaac Harby Prayerbook* (Columbia, South Carolina: R. L. Bryan Co., 1974) 84–86, 93–96. See also, Lance J. Sussman, "Isaac Harby, Leadership, and the Liturgy of the Reformed Society of Israelites, 1824–1833: A Reevaluation" (Term Paper SC-4523, Hebrew Union College-Jewish Institute of Religion, AJA, Cincinnati, Ohio, November 1979) 11 ff.

25 The Society's "Articles of Faith" contained three innovative themes that had no precedent in the Maimonidean "Principles": 1. a belief in the immortality of the human soul, 2. a belief that morality and "good faith toward all mankind" were key ingredients to any religious faith (Abraham Moïse laid claim to having "introduced" this particular theme), and 3. a belief that the "love of God" is

This Preamble emphasized that the contents of the Articles embraced "nothing doubtful or ceremonial," but were statements that every "rational" human being could acknowledge. It stressed the group's desire to "break in pieces the sceptre of Rabbinical power" so that the individual Jew would truly be a "free agent" in both thought and prayer. It made explicit the group's respect for what in the twentieth century would be called the autonomy of the individual:

> In laying down these Articles the compilers of the following prayers for the Reformed Society of Israelites do not presume to restrict the faith or conscience of any man. Let each one believe and reject what his heart and understanding (at once humbled and enlightened by Divine Goodness) may rationally dictate to be believed or rejected.[26]

As the reforms proposed by the Reformed Society of Israelites circulated, they earned warm approbation as well as stern censure. Undoubtedly, the highest source of praise was that of Thomas Jefferson who wrote a very complimentary note to one of the Society's leaders, Isaac Harby (1788–1828). The octogenarian ex-president confessed that while he was "little acquainted with the liturgy of the Jews or their mode of worship. . . ," he believed that the reforms were "entirely reasonable." Brimming with pride, Harby wrote back saying that this favorable response from the author of the Declaration of Independence constituted "a reward of which I shall never be deprived, that my honest efforts to improve my co-religionaires, in conjunction with my associates have met the approbation of the good and great."[27]

Simultaneously, a most thoroughgoing critique of the Society's program came from the pen of Jacob Mordecai (1762–1838), a successful educator and one of the most highly respected Jews in Virginia. Many Jews at that time considered Mordecai, formerly the owner of the prestigious Warrenton Female Academy and an active member of Richmond's Beth Shalome Congregation, to be a leading authority on questions pertaining to Judaism and biblical interpretations. In Mordecai's opinion, the Reformed Society of Israelites was a wolf in sheep's

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the human's highest duty. Cf., Moïse's annotated copy of the 1830 (published) *Prayerbook*. Other "Articles" were modified versions of Maimonides' "Principles," reflecting the Society's philosophical orientation. For instance, Maimonides stressed that the entire Torah was given to Moses on Mt. Sinai, but the Society's version asserted that only the Ten Commandments came directly from Moses. In another significant divergence from the Maimonidean text, the Society's "Articles" omitted any reference to a belief in the resurrection of the dead.

26 The fact that composition of the "Preamble" and "Articles of Faith" antedated the group's decision to develop a prayer service of its own is clear from various prayerbook manuscripts. On the "Articles of Faith," see Zola, *Isaac Harby*, 137 (with n. 84).

27 Thomas Jefferson to Isaac Harby (January 6, 1826) and Isaac Harby to Thomas Jefferson (January 14, 1826) in Moïse, *Harby*, 95–97.

clothing in that "the object of the master spirit was to destroy the ancient fabrick of Israelite worship and to gradually undermine all confidence in their religion under the pretext of divesting it of Rabbinical impurities and interpretations." Mordecai urged the mavericks to proceed with caution. "In religious reform as in political revolutions," he remonstrated, "no bounds can be set to the heat and turbulence of the passions. They rage like an ocean in a storm." He cautioned his readers not to act precipitously in abandoning the customs which greet them at birth, carry them through life, and follow them to the grave.[28]

Many years later, Abraham Moïse, one of the triumvirate who spearheaded the call for Jewish reform in Charleston, seems to have gained an appreciation for Mordecai's cautions. Privately, he noted that "any attempt to reform the principles of religion is always dangerous and often destructive of the very end we have in [mind]." Still, long after the Reformed Society of Israelites ceased to exist, the group's demand for liturgical reform, first expressed in its Memorial to the leaders of Charleston's synagogue, continued to be heard. In 1838, KKBE's building, erected in 1794, burned to the ground in a disastrous fire. In order to rebuild, the Jewish community needed widespread support. The impact of this calamity was felt by every Jew in Charleston and, no doubt, resulted in temporarily unifying the community's divergent factions. Having failed to create an independent place of worship for themselves, many of the Society's dissenters were ready to cooperate with the members of KKBE. They agreed to lend their support to the rebuilding of the synagogue. Ultimately, they succeeded in realizing the Society's original goal: they managed to bring worship reform to the synagogue itself. The Memorial had remained a lodestar guiding them toward the goal they ultimately achieved.[29]

28 On Mordecai, see especially, Caroline Cohen, *Records of the Myers, Hays and Mordecai Families from 1707 to 1913* (Washington, D.C.: For the Family, 1913); Stanley L. Falk, "The Warrenton Female Academy of Jacob Mordecai, 1809–1818," *North Carolina Historical Review* 35 (July 1958) 281–98; and Sheldon Hanft, "Mordecai's Female Academy," *American Jewish History* 89:1 (Autumn 1989) 72–93. See also, Myron Berman, *Richmond's Jewry, 1769–1976: Shabbat in Shockoe* (Charlottesville: Univ. of Virginia Press, 1979), *s.v.* index, and Lance J. Sussman, "Our Little World: The Early Years at Warrenton" (Term Paper SC-8414, Hebrew Union College – Jewish Institute of Religion, AJA, Cincinnati, Ohio, January 2, 1979).

29 Abraham Moïse's comments were found in a copy of the 1830 prayerbook which he annotated later in life. See Zola, *Isaac Harby*, 248–49 (nn. 130–31). Regarding the reintegration of some members of the Reformed Society of Israelites back into KKBE and the subsequent establishment of Charleston's Shearith Israel congregation, see especially Zola, *Isaac Harby*, 248–49, n. 131. See also, "Report of the Law Suit regarding the Mode of Services to be Used at Kaal Kadosh Beth Elohim, May 25, 1843" (Box 1, Folder 7, Charleston, South Carolina – Kahal Kadosh Beth Elohim Congregation Records, MSS col. no. 525, AJA). See also, Hagy, *This Happy Land*, chapter nine; Barnett A. Elzas, *The Organ in the Synagogue: An Interesting Chapter in the History of Reform Judaism in America* (Charleston: n.p., 190–?); Jacob Rader Marcus, *United States Jewry, 1776–1985* (4 vols.; Detroit: Wayne State Univ. Press, 1989–93) 1:635–36; and Allan Tarshish, "The Charleston Organ Case," *American Jewish Historical Quarterly* 54 (June 1965) 411–49. That the Reform faction was in control of

Philadelphia. Two and a half decades after the first religious reforms were formally introduced in Charleston's synagogue, and forty-five years after a group of Charleston's Jewish liberals promulgated their Memorial, Samuel Adler (1809–91) and David Einhorn (1809–79) issued a call on June 1, 1869 for a conference of *die theologisch gebildeten Collegen* (theologically educated colleagues) who were strongly inclined toward Jewish religious reform. The conference they were proposing would constitute the first time in the history of American Jewry that a committee of rabbis would assemble with the expressed purpose of delineating the principles of Reform. What prompted the summons for a conference of this sort?

Historians have already noted that the timing of this call was almost certainly a deliberate attempt by Einhorn to undermine a similar announcement made by Isaac Mayer Wise (1819–1900) earlier that year. Einhorn and Wise had become bitter opponents in the wake of a theological convention that had been held in Cleveland, Ohio, in the fall of 1855. Ever since coming to the United States in 1846, Wise had repeatedly and doggedly agitated for a gathering that would promote the unification of American Judaism. On the basis of experience, Wise knew that such a gathering must necessarily include representatives from differing ideological wings of the community. For the sake of a successful outcome, Wise was more than willing to negotiate with his ideological opponents.[30]

By October 1855, Wise had secured a promise from a number of congregations – both liberal and traditional – to send delegates to Cleveland, Ohio, for a conference. The Cleveland Conference, as it came to be known, had no intention of elucidating a rationale or a statement of principles describing the essence of Reform Judaism. On the contrary Wise sought cooperation among American Jews. He mollified his traditionalist counterparts by proposing at the onset of the gathering that the conference affirm divinity of the Bible and the obligatory authority of the Talmud. This politic gesture made it possible for the traditionalist representatives, particularly their beau ideal Isaac Leeser (1806–68), to collaborate effectively with the more liberally inclined Wise. To Wise's dismay, however, the concession infuriated many of the reformers who viewed it as a disgraceful abandonment of Reform principle.

When news of the Cleveland Conference's statement on the authority of the Bible and Talmud began to spread, David Einhorn – who had only recently immigrated to the United States – doggedly repudiated the idea that liberal Judaism could embrace the divinity of the Bible and the binding authority of the

KKBE by 1841 and still working to bring about the Society's agenda is clearly demonstrated by some correspondence between Abraham Moïse and Isaac Leeser, August 12, 1841, in Moïse, *Harby*, 83–89.

30 On the timing of the Einhorn/Adler summons, see Sefton D. Temkin, *The New World of Reform: Containing the Proceedings of the Conference of Reform Rabbis Held in Philadelphia in November 1869* (Bridgeport, Conn.: Hartmore House, 1974) 3–6, and Meyer, *Response to Modernity*, 243. On Isaac Mayer Wise, see Sefton D. Temkin, *Isaac Mayer Wise* (New York: Oxford Univ. Press, 1992).

Talmud. Einhorn promptly emerged as Wise's most ardent critic. In his writings and sermons, Einhorn assumed the role for which he is best remembered: "the uncompromising champion of Reform Judaism." So when Wise called for another national conference of "Hebrew ministers, teachers and representatives of the congregations," presumably similar to the Cleveland gathering of 1855, Einhorn and Adler moved quickly to undercut him by convening a *rabbinical* conference that would deliberate on the principles of *Reform Judaism*.[31]

Clearly then, the fundamental purpose of the conference that Einhorn and Adler wanted to convene — as the invitation stressed — was to procure the "agreement of like-minded Rabbis on the principles [but] not the form" of Reform Judaism. All that was needed to strengthen Reform in America and "spread it among continually increasing circles," Adler and Einhorn opined, was a statement of its principles. Five months later, on November 3–6, 1869, thirteen rabbis assembled in the home of Dr. Samuel Hirsch, rabbi of Keneseth Israel Congregation of Philadelphia.[32]

Motions dealing with a variety of topics that were intended to serve as a basis of discussion were submitted at the beginning of the conference. After a brief debate, the rabbis resolved to use Einhorn's motion on "the principles of Divine Worship, Marriage Laws and Circumcision" as a starting point for their discussion — focusing initially on his principles regarding Divine Worship. A substantial portion of the conference was devoted to these matters. In the end, the rabbis adopted resolutions relating to worship and marriage. With very few changes, the statement remained Einhorn's work. The additional issues that had been raised by other members of the conference were referred to smaller "commissions" to be discussed at a subsequent gathering.[33]

The statements issued by the Philadelphia gathering failed to capture the imagination of the lay members of the liberal congregations. Those dealing with Divine Worship reflected Einhorn's passionate belief in 1. the mission of Israel; 2. the doctrine of universalism; and, 3. a return to the "true spirit of the Sinaitic doctrine." Yet the Philadelphia declaration was not exclusively a systematic statement of belief, despite Einhorn's insistence that a true reformation in Judaism must go beyond ritual refurbishment. "Mere outward forms which render the service

31 The label, "uncompromising champion of Reform Judaism," was given to Einhorn by his son-in-law and protégé, Kaufmann Kohler. See Kohler, *David Einhorn, The Uncompromising Champion of Reform Judaism* (Cincinnati: Hebrew Union College, 1909). For the wording of Wise's call for a convention in 1869, see Temkin, *The New World of Reform*, 3.

32 Temkin, *The New World of Reform*, 80. The eleven rabbis present at the opening session of the conference were joined by two more during the course of its proceedings. On Adler, Einhorn, and Hirsch, see Kerry M. Olitzky, Lance J. Sussman, and Malcolm H. Stern, *Reform Judaism in America: A Biographical Dictionary and Sourcebook* (Westport, Conn.: Greenwood, 1993).

33 Temkin, *The New World of Reform*, 35–79.

more attractive are of no avail," he argued. Even in his call for the conference, he had promised that the deliberations would focus on "the principles and not the form" of Reform Judaism. Nevertheless, the rabbis who met in Philadelphia recommended changes in ritual form and practice. Their program promoted specific liturgical alterations in the traditional marriage ceremony, even as they denounced the use of the *get*, the bill of divorce. They also asserted that the practice of levirate marriage was no longer binding on Jewry. Had the conference lasted longer, it is clear that the rabbis were prepared to consider motions on circumcision, conversion, liturgical music, mixed marriages and, remarkably, the possibility of allowing non-Jews to become "passive" members of Reform synagogues. In short, though the Philadelphia declaration constitutes the first attempt to provide the community-at-large with a clear statement of Reform's principles of belief, the rabbis also advocated a number of ritualistic revisions.[34]

It has been said that the statement of the liberal rabbis who met in Philadelphia was "still-born." Clearly, their document — written in ponderous German and published more than a year later — failed to capture the imagination of those Jews for whom it was intended: their own lay constituency. The lofty ideals embraced in Philadelphia were, perhaps, somewhat ahead of their time. As one scholar aptly noted, "Phrases about the 'messianic aim of Israel' and its 'high priestly mission to lead the nations to the true knowledge and worship of God' were useful rhetoric, but in the Gilded Age they were hardly a call to action." The laity was not yet ready to imbibe such heady ideals.[35]

Yet, many of these ideas would eventually have their day — sixteen years later. By the time the next rabbinical conference assembled to outline the fundamental precepts of Reform Judaism, a new spirit of progressivism was making itself felt. The increasingly Americanized Jewish laity had drifted further and further away from traditional forms of Jewish ritual abandoning orthodox practice, the forms that Einhorn called "the dead and obsolete." When Einhorn's son-in-law, Kaufmann Kohler, resolved to convene a second rabbinical conference to write a platform for Reform Judaism, he placed before his colleagues (as his father-in-law had done in Philadelphia) a document that could serve as the basis for their discussion. The similarity between Kohler's draft platform — in word and spirit — to the motions adopted in Philadelphia is obvious. In contrast to the Philadelphia declaration, the words of the Pittsburgh Platform of 1885 expressed the collective sentiments of many who associated themselves with the Reform Movement in Judaism. Indeed, it quickly became the identifiable escutcheon of a generation of reformers.[36]

34 Kohler, *David Einhorn*, 34. See esp., Temkin, *The New World of Reform*, 51–74.

35 Temkin, *The New World of Reform*, 10, 35–36.

36 Temkin, *The New World of Reform*, 4, 10, 26–29.

Pittsburgh. The role that the statements written in Charleston and Philadelphia have played in the history of American Reform has largely been eclipsed by the promulgation and widespread embrace of the original Pittsburgh Platform. This remarkable document has been both celebrated and censured. One of those who helped craft the statement called it "the clearest expression of the Reform movement that has ever been published to the world," while another contemporary dismissed it as "*einen überwundenen Standpunkt*."[37] Despite the controversy it has engendered, most students of American Jewish history would agree that the Pittsburgh Platform eventually became the defining statement of American Reform Judaism even though neither the Union of American Hebrew Congregations (UAHC), established in 1873, the Hebrew Union College (HUC), established in 1875, nor the CCAR have ever officially adopted it.

This historic document was the product of a small rabbinical conference which, when all was said and done, involved only nineteen liberally minded rabbis who gathered in Pittsburgh on November 16–18, 1885, to discuss "the present state of American Judaism, its pending issues and its requirements, and [to unite] upon such plans and practical measures as seen demanded by the hour." Kaufmann Kohler, after consultation with his senior colleagues Samuel Adler and Isaac Mayer Wise, composed the letter of invitation to prospective attendees. Kohler wrote personal appeals on the bottom of these "form letters" urging attendance. During the first session, Kohler read a "conference paper" in which he outlined ten propositions which he hoped would serve as a "basis whereon to work." The rabbis must have been favorably impressed because, after Kohler finished reading his paper, they accepted it as a foundation for their deliberations with some refinements and emendations. By the end of the conference, Kohler's ten "propositions" had become eight, and the text of the now famous document had taken shape.[38]

American Jewry learned about the proceedings of the Pittsburgh Conference from Jewish newspapers which published the Platform's text and commented on its merits (or lack thereof). The widespread promulgation of the Pittsburgh Platform was, without question, a transformative event in the history of American Reform Judaism. The statement – written in English and not German – provided the now largely English-speaking Jewish community with a succinct and optimistic statement of religious conviction. For the first time, its framers had avoided dealing with a specific roster of ritual matters. The brief document contained only broad principles of ideology that spoke to many of the congre-

37 David Philipson praised the platform, see *CCAR Yearbook* 13 (1903) 187, 301; but his colleague and schoolmate, Max Heller, dubbed it "an outmoded statement" in a letter to the Pittsburgh Platform's progenitor, Kaufmann Kohler. See *CCAR Yearbook* 15 (1905) 105.

38 Jacob, *The Pittsburgh Platform*, 92. David Philipson described the letter as a "form letter" and, years later, he quoted from the personal note that Kohler had added. See *CCAR Yearbook* 45 (1935) 197.

gants in Reform synagogues and appealed to their interests and prejudices. Though the statement echoed much of what had already appeared in the Philadelphia Platform (with the important exception of the paragraph that proclaimed Reform's commitment to economic justice), the Pittsburgh Platform captured successfully the prevailing ideas and sentiments of its era.[39]

A full consideration of how the Pittsburgh Platform achieved its remarkable distinction in the history of Reform Judaism's platforms is not within the scope of this paper, but few would challenge the assertion that the Pittsburgh Platform — and particularly Isaac Mayer Wise's decision to endorse and defend a document that he himself had called a "Declaration of Independence" — caused Reform Judaism to become a distinct and separate movement within American Judaism. The platform's boosters rallied around it as the unifying expression of Jewish reform in America. It also clarified the positions of its opponents who quickly dissociated themselves from it, Wise, and his rabbinical seminary: the Hebrew Union College. The more moderate reformers, appalled by the Pittsburgh Platform's radicalism, abandoned Wise and joined forces to establish a more traditional seminary in New York. Reform Judaism and Conservative Judaism in America were assuming separate organizational identities. In this sense, the Pittsburgh Platform literally served as a watershed in the history of Reform Judaism in the United States. No statement or platform — before or since — can challenge its preeminent role as the metaphoric midwife in the process that brought about Jewish denominationalism in the United States.[40]

Columbus. Fifty years later, in 1935, one of the two surviving participants of the famed Pittsburgh Rabbinical Conference, David Philipson (1862–1949), reminisced about the historic event at the CCAR's annual convention in Chicago. He told his colleagues that the Pittsburgh Conference was "one of the most stirring occurrences in [his] career." Acknowledging his own emotional attachment to the platform and noting the "hallowed personal associations" that it roused within him, Philipson recognized that the document struck many of his contemporaries as "outmoded and outgrown." Had the time come for a "revision" or even a "repudiation"? Philipson cautioned his colleagues to proceed "*sine ira et studio.*" Still, he insisted that if the "time had come for the fashioning of . . . another platform," it was the CCAR's prerogative to do so.[41]

Actually, talk about the need for a new platform had already begun at the 1934 CCAR convention. It was there that Rabbi Abraham J. Feldman (1893–1977)

39 See Meyer, *Response to Modernity*, 269.

40 For more on the Pittsburgh Platform of 1885, see Meyer, *Response to Modernity*, 265–70; Jacob, *The Pittsburgh Platform*, and Jonathan D. Sarna, "New Light on the Pittsburgh Platform of 1885," *American Jewish History* 76 (March 1987) 358–68.

41 *CCAR Yearbook* 45 (1935) 205–6.

delivered a stirring, eloquent sermon in which he called upon his colleagues to effect a total overhaul of "Classical Reform" Judaism. Feldman insisted that "We, of the Liberal group, . . . made the serious blunder of divorcing the people from the religion by removing the concept of group togetherness." He contended that the standard approach to Reform – placing an emphasis on "faith versus people" instead of "faith *and* people" – spawned a malignancy that would, ultimately, destroy Jewish life:

> For great numbers, the separation of the faith from the destiny and reality of the people resulted in loss of Jewish group loyalty, in the atrophy of the sense of belonging, in the death of a consciousness of joyous attachment to the Jewish group; it led to a detachment from the pulsating experience of their own Jewish masses.[42]

Feldman urged his colleagues to draft a new platform: "A new statement, a new declaration of principles is imperative, a declaration that will recognize and reassert the spiritual *and* ethnic *Gemeinschaft* of Israel. . . ."[43]

The process of creating and adopting a new platform was fraught with conflict. CCAR president, Rabbi Felix Levy (1884–1963), appointed a special commission, headed by Rabbi Samuel Schulman (1864–1955), to draft a new platform for the CCAR. Schulman composed an initial version and circulated it to the members of the commission. Evidently, his draft did not appeal to the majority of the commission and another member, HUC professor Rabbi Samuel Cohon (1888–1959), offered an alternative draft. Schulman's absence from the second meeting of the commission provided Levy with the opportunity to make an executive decision: Cohon's draft would serve as the basis of the commission's deliberations, not Schulman's. When Cohon and the commission presented their draft to the CCAR convention in 1936, it met with a great deal of criticism.[44]

The draft controversy is highly significant. Schulman and Cohon wrote their respective documents with two sharply divergent purposes in mind. In Schulman's mind, Reform Jews needed and wanted an inspirational *statement* and not, as Schulman characterized the Cohon draft, "a series of definitions." "This Conference [viz., the CCAR] has never drawn up a Platform," Schulman correctly noted, "[and we have] gotten along very well without Platforms." What the CCAR and American Reform Judaism needed, he averred, was "a ringing

42 Conference Sermon delivered by Rabbi Abraham J. Feldman, *CCAR Yearbook* 44 (1934) 182–83.

43 Feldman, *CCAR Yearbook* 44 (1934) 188.

44 As soon as Cohon put the draft before the CCAR in 1936, a motion was proposed *not* to adopt the platform! For the text of Cohon's initial version and the subsequent debate, see *CCAR Yearbook* 46 (1936) 89–107. For a précis of the debate that resulted in adoption of the "Guiding Principles of Reform Judaism" see the *CCAR Yearbook* 47 (1937) 94–114.

challenging statement on the living issues of the day." Cohon and the balance of the committee had a distinctly different objective in mind. They wanted to provide Reform Judaism with a "conception of Judaism" that called for "definite belief, personal and social ethics and observances in the home as well as in the synagog." The titles of the respective drafts captured the essence of these differences. Instead of the committee's chosen title "Guiding Principles of Reform Judaism," Schulman called his document a "Statement of Principles for the Guidance of the Modern Jew." The majority of the commission wanted a practical guide to Reform Jewish ideology while Schulman and his supporters sought to craft an inspirational statement of beliefs for Jews in modernity.[45]

In 1937, when the CCAR convened in Columbus, Ohio, Cohon and the commission placed a newly revised statement — one that responded to the many comments and criticisms voiced at the 1936 convention and during the course of the subsequent year — before the plenary. After a lengthy and, at times, stormy debate, the "Guiding Principles of Reform Judaism" or the Columbus Platform — as it would be now be called — was adopted.[46]

The Guiding Principles — the first "platform" officially framed and adopted by the CCAR — differed significantly from the Pittsburgh Platform both in form and content. These differences have been explicated by others. What remains to be stressed, however, is the fact that the Columbus Platform did not confine itself narrowly to the matter of Reform Jewish tenets as Schulman and others had hoped. To the contrary, the document reintroduces the question of ritual practice — themes that were the primary focus of the Charleston Memorial and also a feature of the Philadelphia statement. Without the specificity of ritual reform that characterized those documents, the Guiding Principles state emphatically that Reform Judaism demands more from its adherents than loyalty to a credo or catalogue of belief. Reform Judaism also expects its adherents to take up specific practices: synagogue attendance, participation in Jewish communal affairs, the transmission of Jewish knowledge, the use of Hebrew prayer in the home and synagogue, the celebration of Jewish festivals and holidays, and the "retention and development [of Jewish] customs, symbols and ceremonies as possess inspirational value."[47]

San Francisco. Reflecting on the impact of the Guiding Principles on the twentieth anniversary of their adoption, one member of the CCAR observed that very few "Jewish men, women, and children" knew much about them. Indeed, by the

45 *CCAR Yearbook* 47 (1937) 106–10. For the text of Schulman's statement, *CCAR Yearbook* 47 (1937) 418–22.

46 For the most complete treatment on the history of the Columbus Platform, see Meyer, *Response to Modernity,* 318–20.

47 *CCAR Yearbook* 47 (1937) 97–100. See esp., 100.

mid-1960s it was clear that the Columbus Platform — significant a statement though it was — never came close to being "an unchallengeable authority" for American Reform Jewry. Certainly, it never eclipsed the Pittsburgh Platform's renown. As centennial anniversaries for the UAHC and HUC approached, many thought the time was ripe to develop a new formulation of the platform — one that bespoke the sobering realities of the post-World War II era.[48]

A commission jointly sponsored by the UAHC, HUC, and the CCAR convened in 1971 to prepare a new platform for American Reform Judaism. This commission, composed of representatives from HUC's faculty, the congregational rabbinate, and lay leaders, ultimately concluded that the movement's radical diversity made the prospect of drafting a brief platform unrealistic. In fact, at one of its initial meetings, the commission determined that at least twenty-seven separate themes merited specific treatment in the context of a new platform! By the time the centennial of the UAHC occurred (1973), the commission had barely begun to make headway and, as the year of the College's centennial (1975) approached, commission members evidently lost all hope of achieving their mission in a timely fashion.[49]

The Joint Commission's failure to produce a draft platform seemed to validate the already widespread belief that Reform Judaism in America had become so extraordinarily polymorphous that the promulgation of a clear, succinct statement of principles was no longer possible. This assumption was hardly a chimera. In 1972, Reform Jewry had been stunned by the upsetting news it received from a massive self-study produced for the CCAR by the consulting group Theodore I. Lenn, Ph.D. and Associates. The Lenn Report, as it came to be called, described a Reform Judaism that was rife with discontent. One of the respondents to Dr. Lenn's questionnaire declared that "the UAHC is nothing but an impersonal corporate structure, the CCAR an irrelevant and dismal failure, and the Seminary, a petty dictatorship." This already uncongenial atmosphere was further clouded by a prolonged battle royale that colored the activities of the CCAR from 1971 to 1973 over the matter of rabbinic officiation at intermarriages. The conflict over a motion that censured rabbinic participation in mixed marriages was so intense that some feared it might cause the CCAR to split apart.[50]

48 *CCAR Yearbook* 67 (1957) 165; Korn, *Retrospect and Prospect,* 34. See also, Meyer, *Response to Modernity,* 383. Although the abbreviation "HUC" is used throughout this essay, it is necessary to note that after HUC's merger with the Jewish Institute of Religion became official in 1950, the school was thereafter called Hebrew Union College-Jewish Institute of Religion (HUC-JIR).

49 Eugene B. Borowitz, *Reform Judaism Today* (Book 2, "What We Believe"; New York: Behrman House, 1978) 160–64.

50 See Theodore I. Lenn, *Rabbi and Synagogue in Reform Judaism* (New York: Central Conference of American Rabbis, 1972). On the CCAR conflict over rabbinic officiation at mixed marriages, see *CCAR Yearbook* 82 (1972) 65–91; and *CCAR Yearbook* 83 (1973) 59–97. (The text of the resolution, as adopted, is found on 97.) Evidence of the high level of passions that prevailed in advance of the 1973

This contentious backdrop validated the widely held conviction that Reform Judaism no longer possessed either a common platform or a shared sense of direction. In the face of this turmoil, many of the movement's leaders appealed for unity. One of the most effective entreaties came from the then president of the CCAR, Rabbi Robert I. Kahn (b. 1910). In his 1975 presidential address, Kahn advocated passionately for reconciliation and cooperation. He insisted that there were many values that the vast majority of Reform Jews still shared and, if people exhibited a willing spirit, Reform Judaism could indeed produce a platform as it had done in the past. Kahn placed before his colleagues what he called "the beginnings of such an affirmation." His earnest eloquence proved convincing, and the CCAR appointed a special committee, chaired by HUC Professor Eugene B. Borowitz (b. 1924), and charged it with the task of placing a draft before the CCAR when it met in 1976.[51]

Throughout the following year, the committee was guided by a number of self-imposed criteria that necessarily dictated the character of the statement it ultimately created. First, in light of the high level of anxiety that the project clearly engendered within Reform Judaism, the committee decided that any document it produced must speak for at least eighty percent of the CCAR's membership. Consequently, statements or ideas which were controversial and disputatious would not be included. Second, the committee agreed that the final product should be brief, emulating the format that characterized the documents formulated in Pittsburgh and Columbus. Finally, the draft's authors resolved to create a meaningful and substantial statement.[52]

In contrast to its predecessor, the Joint Commission, the CCAR committee completed its work in a remarkably efficient manner. Although the committee's first meeting took place in January 1976, the initial draft (largely the work of Eugene Borowitz) had already undergone numerous revisions by the time the committee gathered for its second meeting in February. The working draft was then mailed to the entire membership of the CCAR to solicit reactions and, when the mailing produced few reactions, Borowitz personally conducted a telephone follow-up survey with sixty-five colleagues. By the time the CCAR gathered in San Francisco in June 1976, the committee's statement, named purposefully "Reform Judaism: A Centenary Perspective," thus eschewing the terms "platform"

CCAR Convention may be seen by the fact that the Conference's Executive Board voted to urge its membership "to comport themselves with restraint, mutual respect, and courtesy during the forthcoming debate on the question of mixed marriage. . . ." *CCAR Yearbook* 83 (1973) 21.

51 For the text of Robert Kahn's proposed text for a statement on the principles of Reform Judaism, see *CCAR Yearbook* 85 (1975) 7–9. Kahn's proposals are reprinted with the membership roster of the special committee in Eugene Borowitz, *Reform Judaism Today*, 2:164–68.

52 Historians owe Borowitz a huge debt of gratitude for the details he provides in the context of his work, *Reform Judaism Today*, 2:159–201.

or "principles," was placed before its plenum. The committee's intuition proved to be apt: the CCAR overwhelmingly approved the document.[53]

Like the Columbus Platform, the Centenary Perspective attempted to provide the community at large with a description of the principles that informed Reform Judaism in the 1970s. Clearly, the statement describes a Reform Judaism that is much more heterogeneous than the one that existed in 1937. Its content also reflected the sobering impact of two momentous historical events that had occurred during the intervening period: the Holocaust and the establishment of the State of Israel. Above all, the statement aimed at producing a consensus so as to illustrate that in the face of the bitter controversies over the direction of ritual and form in Reform Judaism, there existed a shared ideological conviction.

As different as the Centenary Perspective was in content from the Pittsburgh Platform, both documents evidently expressed the prevailing sentiments of their epoch, enabling them to speak cogently to needs of the day. Still, the new document had its critics. Even though many expressed delight with the statement's warm reception, some candidly admitted that they had voted to accept (what they considered to be) an utterly bland statement for the sake of peace. One rabbi, for example, assured Borowitz that, although he had no intention of voting against the new statement, he labeled the Centenary Perspective an "innocuous statement of little significance to our movement." Borowitz averred that, ultimately, only history could determine whether or not the "Centenary Perspective had any significant effect upon the Reform movement."[54]

Pittsburgh II. As the end of the twentieth century approached, the statement of principles adopted in San Francisco was considered by many to be nugatory. Fifty years spanned the promulgation of the platforms that emanated from Pittsburgh and Columbus respectively, and another thirty-five years separated the Columbus Platform from the Centenary Perspective. Only twenty-one years later, in 1997, incoming CCAR President Richard Levy (b. 1937) told his colleagues that the time had come, once again, to produce another statement of principles, "a new Pittsburgh Platform." Interestingly, while specifically linking his initiative to the precedents in Pittsburgh and Columbus, Levy made no mention of what was then the CCAR's operative point of view, the Centenary Perspective.[55]

"A Statement of Principles for Reform Judaism," dubbed by many Pittsburgh II, constitutes the movement's most recent attempt to express its essence in writing.

53 It is interesting to note that the *CCAR Yearbook* for 1976 provides readers with the text of the "Centenary Perspective" but omits any record of the discussion that ensued when the proposed statement was placed before the plenum on Thursday morning, June 24, 1976. See Borowitz, *Reform Judaism Today*, 2:196–98.

54 Borowitz, *Reform Judaism Today*, 2:178–79.

55 *CCAR Yearbook* 106 (1997) 19–22.

Historians must hope that a full account of the turbulent pathway which led to its adoption will one day be written.[56] Richard Levy not only suggested the need for a new statement of principles but also, from the very beginning, served as the project's driving force and unflagging proponent. It was Levy who wrote an initial draft of a document which, when circulated to the CCAR membership and the other parts of the movement, unleashed a veritable fire storm of consternation and criticism. Privately, many believed that Levy, who spent the vast majority of his rabbinic career in the pluralistic atmosphere of the Hillel movement, did not have his finger on the pulse of mainstream Reform Judaism. Others worried that the call for a new platform was, in actuality, a power play by those sympathetic to a more traditional mode of practice within Reform. A full-color picture of Levy on the cover of the UAHC's *Reform Judaism* magazine donning his *kipah* and kissing the fringes of his *talit* validated these theories even as it sparked a hostile response by those constituents who were already convinced that a new platform would merely accelerate what they considered to be the movement's misguided drift toward Orthodox ritual. Noted historian and rabbi, Robert Seltzer (b. 1934), composed an essay for *Reform Judaism* unambiguously declaring: "This is Not the Way." Affirming Reform Judaism's current approach to ritual practice, Seltzer warned the movement that, over the long haul, the aping of Conservative Jewish practice would not advance the cause of liberal Judaism.[57]

Departing from the precedent that David Einhorn established when he invited only "theologically educated colleagues" to join him in Philadelphia, Levy expressed his hope that rabbis, scholars, and laity would be included in the process of creating a new statement. In the end, rabbis and laity did have an opportunity to comment on the document, although it was difficult to determine how its earliest drafts came into being. This lack of clarity in the process caused many skeptics to view the committee's work with suspicion. Who was actually writing and revising these drafts? Were representatives of the various arms of the movement involved in the process and, if so, how were they being selected? Was the new statement going to reflect present-day realities, or would it attempt to move Reform Judaism in a new direction and, in doing so, leave many feeling abandoned and disaffected? Some urged Levy and the CCAR to forgo the project, but they persevered.[58]

56 Historians must hope that Richard Levy will one day provide future historians with a detailed written record of this saga from the perspective of the document's foremost advocate.

57 See cover photo on *Reform Judaism*, 27 (Winter 1998), and Seltzer's essay, "This is Not the Way," 23–27.

58 *CCAR Yearbook* 106 (1997) 19–22. UAHC president, Rabbi Eric Yoffie (b. 1947), publicly expressed his doubts about the appropriateness of adopting a new platform in light of prevailing circumstances: "I urge the Conference to proceed slowly and very deliberately." In doing so, Yoffie was undoubtedly expressing a viewpoint that was held by many of his constituents as well as colleagues. One colleague inquired bitingly: "Shall we create a new set of principles each time the CCAR meets

When the trustees of the UAHC held its board meeting in Memphis, Tennessee, on December 6, 1998, Levy and a few other CCAR representatives reported on the platform's progress. The movement's lay leaders shared their concerns about the preliminary drafts they had read. In the wake of these criticisms, Levy convened a special committee composed of individuals who represented HUC, the UAHC, and a wide diversity of perspectives. Throughout the fall of 1998 and the early months of 1999 the committee met and new revisions of the document were circulated to the members of the CCAR. Clearly, the document's framing committee strove to address the many comments and criticisms that had arisen. A comparative review of the many drafts that were circulated demonstrates that the committee made a strenuous effort to solicit reactions to the successive versions and respond to the comments it received.[59]

The path that led to adoption of Pittsburgh II was unique in many ways. Not since the writing of the Charleston Memorial had lay leaders participated in the writing of a statement on Reform Judaism. For the first time in history, the fluid new communication technology of e-mail played a prominent role in the development of the movement's platform. Yet despite these unprecedented efforts to address the myriad concerns and allay anxieties, and despite the CCAR leadership's advocacy for the adoption of the penultimate draft of the document, the outcome of the floor debate appeared uncertain when the CCAR actually convened in Pittsburgh on Sunday, May 23, 1999.[60]

In contrast to the rapid and perfunctory way in which the CCAR voted on the Centenary Perspective in 1976, Pittsburgh II underwent intense scrutiny on the Convention's floor. Conference delegates packed the hotel ballroom and participated actively in the process of "word-smithing" the final document line by line. The editing process was so frenzied that, at one point, the plenum voted to remove the Hebrew phrase *Ahavat Yisrael* from the original draft only to reverse itself a few minutes later. Emotions ran high. One delegate moved that the entire motion be tabled. The majority voted to proceed. The debate lasted far longer than convention planners had initially intended; the prestigious Freehof Institute, which had originally been scheduled to occur after the vote on Tuesday evening, was canceled altogether. The next morning, HUC President Sheldon Zimmerman (b. 1942) voluntarily forfeited a study program that the school's Rabbinic Alumni Association had organized so that his colleagues could continue to

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in a place with historical connections" and wanted to know "who shall be placed in a position of writing such a statement of principles?" Another critic wrote a stinging ten-page, line-by-line critique on one of the platform's drafts and bluntly concluded by advising: "I would strongly recommend against a project of this sort." Other written expressions of disapproval will be found in the "Comments on the Ten Principles for Reform Judaism" file, SC-14501, AJA, Cincinnati, Ohio.

59 "Comments on the Ten Principles for Reform Judaism" file, SC-14501, AJA, Cincinnati.

60 "Comments on the Ten Principles for Reform Judaism" file, SC-14501, AJA, Cincinnati.

deliberate. When the time to vote actually arrived, many rabbis rose to endorse the work they had helped to craft. Others urged the statement's defeat. In the end, on May 26, 1999, Pittsburgh II passed overwhelmingly: 324 to 68.[61]

Obviously, it is much too early to evaluate the impact Pittsburgh II is having — or will have for that matter — on American Reform Judaism. The new statement does have one feature in common with its historic namesake. The first Pittsburgh Platform sparked a flurry of disputatious essays, some affirming and some condemning the ratification of that platform. More than a century later, Pittsburgh II has also engendered enthusiastic support, harsh criticism, and even the publication of an alternative platform.[62]

Platforms of American Reform Judaism
Common Objectives

The various platforms that have attempted to express the fundamental tenets of Reform Judaism in America reflect the evolving dynamic of changing religious needs of the past one hundred seventy-five years. It is hardly a surprise to discover that each successive platform contained declarations or statements that distinguish it from its predecessor(s). Despite the fact that one can identify a few general ideological strands that run through all of the statements in American Reform Judaism, a detailed analysis would quickly illuminate how significantly the content of Reform Judaism in the United States has evolved over the years. If it were possible for the reformers who composed the words of the Philadelphia Platform or the famous Pittsburgh Platform, for example, to peruse the CCAR's most recent statement on Reform Judaism, there can be little doubt that they would find many shocking departures from their own notions of Reform Judaism. Similarly, we know that today there are many Reform Jews who find the content of the 1885 Pittsburgh Platform alien and unappealing. Obviously, the platforms all bespeak the different eras in which they were written, and those who evaluate American Reform Judaism by comparing and contrasting their ideological content will undoubtedly agree that there have been radical changes down through the years.[63]

61 For the official text of Pittsburgh II, see *CCAR Journal* 47 (Winter 2000) 2–6. The debate itself is scheduled to appear in the *CCAR Yearbook* 108 (1999), forthcoming.

62 See Lance J. Sussman, "A Shaky Platform: Pittsburgh II and the Politics of Piety," *Congress Monthly* 66 (July/August 1999) 8–10. An exchange of views on Pittsburgh II appeared in the pages of the *CCAR Journal* 47 (Winter 2000) 7–66. See also, David H. Aaron, "The First Loose Plank: On the Rejection of Reason in the Pittsburgh Principles of 1999," *CCAR Journal* (Fall 2001) 87–116. Robert M. Seltzer and Lance J. Sussman published an alternative platform which appears in their essay "What are the Basic Principles of Reform Judaism?" in Judith S. Lewis, ed., "Thinking Ahead: Toward the Generation of Judaism" (Binghamton, New York: Keshet Press, 2000) 1–10.

63 Samuel Karff has emphasized, for example, that it is possible to identify at least three tenets of the

Frequently overlooked, however, are a significant number of foundational concerns that impelled reformers to write these platforms in the first place. These motivational factors are noteworthy because they lay bare some of the core values that have spurred the impulse to reform Judaism in the United States. Ideological transformation and ever-changing modes of practice have been a norm in the history of American Reform Judaism. These changes and modulations explicate the transfiguring content of the successive platforms. However, in spite of the fact the platforms reflect divergent priorities and oftentimes conflicting values, the *stimuli* that have *precipitated* the need to compose and promulgate manifestos explicating the contemporary ideology of Reform Judaism have been remarkably constant. In fact, throughout the history of Reform Judaism in America, it is possible to identify three fundamental motivations that have repeatedly roused calls for the development of a written declaration — a platform that would provide the community with a useful statement of Reform Jewish practice and belief that was *au courant*.

RESPONDING TO JEWISH ATTRITION AND COMMUNAL APATHY

All of the attempts to produce a statement that conveys the essential tenets of Reform Judaism in America have been sponsored, in part, by a perception that the Jewish community was suffering from pervasive indifference and a concomitant decline in involvement. All of the statements discussed herein evince these concerns. In their Memorial to the *Adjunta* of KKBE, the Charleston reformers expressed their concern over "the apathy and neglect which have been manifested towards our holy religion." The reformers also emphasized that "a number of Israelites. . . . are now wandering gradually from the true God, and daily losing those strong ties which bind every pious man to the faith of his fathers!" It was clear to the reformers that "certain defects" in their "system of worship" constituted the "sole causes of the evils complained of." The reforms they proposed to the synagogue authorities were intended to redress this "gradual decay" by providing an approach to Jewish practice that would "suit [the] comprehen-

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Pittsburgh Platform to which contemporary Reform Jews remain committed one hundred fifteen years later: 1. a commitment to the ideal of the Jewish mission (which Karff calls the "Jewish vocation"); 2. a conviction that the Jew can live in Diaspora with dignity and honor; and, 3. a desire to reach out to the non-Jew and to build bridges in order "to make Judaism not only that which sets me apart from the world, but my gateway to it." See Samuel Karff, "The Theology of the Pittsburgh Platform," in Jacob, *The Pittsburgh Platform*, 75–80. The quote is on page 80. Similarly, Phillip Sigal observed that halakhically speaking, the "Pittsburgh Platform rejected what is not spiritually satisfying, and recommended what would be spiritually enhancing." In this regard, "the Columbus Platform merely reflected the Pittsburgh Platform and continued its argument." See Sigal, "Halakhic Reflections on the Pittsburgh Platform," in Jacob, *The Pittsburgh Platform*, 52.

sions" of those who could no longer identify with the accepted standard of Jewish practice.[64]

When David Einhorn and Samuel Adler circulated their letter inviting rabbinical colleagues to assist them in composing a statement on Reform Judaism's principles, they asserted that "there is still much lacking in American Judaism. . . ." The two ideologues did not make specific reference to the shortcomings they had in mind, but the rabbis gathered in Philadelphia received letters addressed to them by well-wishers. One such letter came from the members of Congregation Zion of Chicago urging the rabbis to work collaboratively and effectively on behalf of Reform Judaism. The authors of the letter reminded the rabbis that "official Judaism still suffers from many obsolete ideas and the burden of an ossifying casuistry which paralyses the mind." They asked the rabbis to provide them with a protocol for a practice of Reform Judaism — an approach to ritual that will "awaken truly religious spirit, while clarifying and ennobling Judaism itself." The authors also expressed their anxiety over a growing disinterest in Judaism. The rabbis meeting in Philadelphia had to provide their people with a product that would result in "a heightened interest in Judaism in particular and idealism in general. . . ."[65]

Nervousness over Jewish apathy was apparently a factor in 1885, too. The preamble to the original ten-point platform that Kaufmann Kohler placed before his colleagues when they gathered in Pittsburgh declares that one of the key reasons the community needs a statement was on account of the "appalling religious indifference and lethargy among the masses."[66] In the body of the draft itself, Kohler pointed to "the regrettable fact" that American Jewry was in a state of "appalling ignorance" regarding "our holy legacy." He noted that an "arrogant hollowness and shallowness of thought" appeared to "constantly grow from year to year."[67]

In his call for a new platform for Reform Judaism at the CCAR convention in 1934, Rabbi Abraham J. Feldman insisted that Classical Reform — as expressed by the Pittsburgh Platform — had caused a "serious blunder." The Pittsburgh Platform had unwittingly embraced a Judaism that separated the concept of "the [Jewish] people from the [Jewish] religion" which caused Reform Jews to emphasize the notion of "faith versus people" instead of "faith *and* people." According to Feldman, this false dichotomy spawned a malignancy that, ultimately, would

64 Moïse, *Harby*, 52, 57.

65 Temkin, *The New World of Reform*, 114–15.

66 Preamble to the Platform in "Proceedings of the Pittsburgh Rabbinical Conference," in Jacob, *The Pittsburgh Platform*, 104.

67 Kaufmann Kohler's "Conference Paper" in "Proceedings of the Pittsburgh Rabbinical Conference," in Jacob, *The Pittsburgh Platform*, 100.

destroy Jewish life because "the death of a consciousness of joyous attachment to the Jewish group [would inevitably result] in a detachment from the pulsating experience of their own Jewish masses." A new platform was needed to address this problem.[68]

The belief that a new platform would halt the steady loss of Jewish affiliation with the community also emerged in the debate over the Guiding Principles. During a plenary session, the platform's framer, Rabbi Samuel S. Cohon, told his colleagues that "[Jewish] religious life has grown anemic. It lacks the vigor which comes of a sense of conviction. . . . In consequence our people are bewildered. . . . I have observed our congregational life and know its weaknesses. Some of the weaknesses come from the indecision or lack of conviction of some of our own men. . . . The time has come for us in this age of chaos, to take our Judaism seriously. . . ."[69]

Concern about the breakdown of Jewish communal life also played a significant role in the development of the Centenary Perspective. The rampant fragmentation of the Jewish world in general and the bitter divisions within Reform Judaism itself certainly prompted, in part, the call for a new platform. CCAR President Robert I. Kahn lamented the fact that the "light" of Reform Judaism had recently been "broken down into a spectrum of colors." Kahn told his colleagues that this communal disintegration did not augur well for the community's future. A new platform, Kahn argued, could show the world that Reform Judaism's "light" had, in fact, not been shattered. He then suggested a tentative roster of "principles" that all (or at least most) reformers could embrace. If the CCAR could adopt a new platform, it would demonstrate convincingly that, like the spectrum of light, Reform Judaism's diversity could come together to produce the great "light of Reform." The process of creating a new statement could actually mend a divided movement and, ultimately, strengthen it.[70]

It was worry over a growing decline in the vitality of American Jewish life that prompted Richard Levy to call for the creation of yet another platform in 1997: "I want us to draft a New Pittsburgh Platform that will proclaim more dramatically to our people than we have been able to do in this century that the entire tradition is calling to them, and that we need to respond . . . in ways that will help them elevate their lives out of the thorny wilderness in which too many of us live."[71]

68 Feldman, *CCAR Yearbook* 44 (1934) 182–83. It is interesting to note that Feldman, like Isaac Harby of Charleston, cites another related factor that exacerbates Jewish attenuation, Christian proselytism (187):

> . . . insult is added to injury by the invitation therein [as reflected in articles appearing recently in the *Christian Century* to which he refers] to surrender our Jewish distinctiveness, to surrender our Jewish identity socially, and thus commit what amounts to group suicide.

69 Comment by Rabbi Samuel S. Cohon, *CCAR Yearbook* 46 (1936) 105–6.

70 Borowitz, *Reform Judaism Today*, 2:161, 162–84.

71 *CCAR Yearbook* 106 (1997) 20.

RESPONDING TO JEWISH SPIRITUAL NEEDS OF THE DAY

The perception that contemporaries had lost touch with Judaism's transcendent purpose, the concern that coreligionists were in need of what today might be called "spiritual renewal," also served as an impetus for the development of new platforms for Reform Judaism. The Charleston memorialists, for example, explained that they were motivated to reform Judaism by a desire to "see our Synagogue in a better, a more wholesome, and a more respectable state of discipline." They aspired to sculpt an approach to Jewish religious life that would "elicit . . . regard from Jew and Gentile." In fashioning Jewish practice in accordance with the sensibilities of their day, the Charleston reformers maintained that their ultimate goal was "not to destroy longstanding institutions, but to accommodate them to the progress of time, and change of situation and circumstances."[72]

Spiritual improvement was clearly on the mind of many of the framers of the Philadelphia Platform. A young Kaufmann Kohler told his senior colleagues that the Jewish Sabbath had lost its historic value as a precious day characterized by "communal religious study, edification and instruction. . . ." Kohler hoped to articulate an approach to Sabbath observance that would ". . . be imbued with new life, dignity and sanctity through a type of Synagogue worship in which beautiful, modern and intelligible forms combine the old double character of religious edification and instruction."[73]

Kohler was not alone in his desire to articulate a new approach to Jewish prayer and practice that would resuscitate the emotional vitality of worship. Solomon Deutsch (1816–97) wanted his colleagues at the Philadelphia conference to deliberate on how best to "counter the almost completely passive attitude of the congregation during services so that more active participation might be achieved." Isaac M. Wise hoped that his colleagues would focus intently on a "means of enhancing general Sabbath observance." Rabbi Max Lilienthal (1815–82), who did not come to Philadelphia, sent a letter urging his colleagues to compose a declaration that would convince people that "modern Judaism proceeds from an Occidental and not an Oriental point of view."[74]

Concerns about diminishing appreciation of Judaism's spiritual offerings continued to preoccupy Kohler. Sixteen years later, while addressing the members of the Pittsburgh conference, Kohler characterized their era as a "wilderness whose despondence about the future paralyzes action." He detailed the "appalling indifference which has taken hold of the masses" as well as the "materialistic tendency of the age" which has wreaked "great havoc in our midst." He bemoaned the fact that "Jewish self-respect and piety . . . have grown rarer among our youth."[75]

72 Moïse, *Harby*, 53–54.

73 Temkin, *The New World of Reform*, 93.

74 Temkin, *The New World of Reform*, 105, 113.

75 For all of the quotes cited, see Kohler, "Conference Paper," 92.

The enervation of Jewish religious life was also on the minds of those who called for the adoption of the Guiding Principles in 1937. During the floor debate at the conference, for example, Rabbi Ferdinand Isserman (1898–1972) observed that the deliberations on a new platform were fueled by "a spiritual hunger in American Judaism that we have been unable to satisfy." Rabbi Samuel Sale (1854–1937), one of the two surviving framers of the Pittsburgh Platform, agreed. "Our duty today," he told his colleagues, "is to try to rekindle the flame of devotion to our ancient faith with its ideals of truth, of justice and of righteousness. . . ." In Sale's opinion, the Guiding Principles would enable Reform Judaism to meet this objective.[76]

Seeking to cope with the grim realities of the Holocaust, the prospect of nuclear destruction, and unprecedented materialism, the post-World War II generation of religious leaders faced an overwhelming number of daunting problems. As the institutions of Reform Judaism approached their centenaries, many leaders recognized the fact that "what had happened to the Jewish people in the past few decades demanded changes in the way [that Jews practiced their religion]." Though some few individuals may have been able to cope with the prevailing "cultural discontinuity," Eugene Borowitz averred, "the movement as a whole had not. . . ."[77]

Little wonder that when faced with creating a new platform, the original joint UAHC-CCAR-HUC commission concluded that the challenges of the time were too great to be met by a series of short statements/platforms similar to those issued in earlier generations. In fact, at one of its meetings the joint commission identified twenty-seven separate themes (such as the nature of God today; who is a Jew?; intermarriage; and biomedical ethics) that deserved lengthy consideration in any new platform.[78]

According to Borowitz, many Jews had become skeptical about the ideas of Western Civilization and felt that Judaism had not yet found a way to imbue American Jewry with "a more positive sense of human values." The CCAR committee which Borowitz chaired identified several "major problems" that its statement ought to address. Foremost among them were issues such as, 1. religious observance; 2. universalism vs. particularism ("how we are to balance our duties to our people and to humanity"); and, 3. how to find hope in a world that is largely despairing and cynical. The Centenary Perspective was meant to provide Jews with a meaningful response to the pervasive

76 See *CCAR Yearbook* 46 (1936) 100, 102. Samuel Sale is a figure of significance who deserves more scholarly attention. Born in Louisville, Kentucky, Sale had the distinction of being the first American born rabbi to occupy a Jewish pulpit in this country. He received his ordination from the *Hochschule für die Wissenschaft des Judenthums* where he studied with Abraham Geiger. On Sale, see esp., *CCAR Yearbook* 44 (1937) 233–35.

77 Borowitz, *Reform Judaism Today,* 2:162–63.

78 Borowitz, *Reform Judaism Today,* 2:161.

"spiritual discontent" that Borowitz and his colleagues discerned.[79]

In calling for the adoption of a new platform, the document's leading advocate repeatedly emphasized his conviction that the movement needed a new platform because the spiritual cravings that so many Reform Jews experienced needed addressing. In an interview that appeared in *Reform Judaism* magazine, Richard Levy asserted that the new platform encouraged "Reform Jews to explore a variety of active encounters with God." Acknowledging that "a major thrust" of the new document was "to bring a greater sense of *kedusha*, or holiness, into our lives," Levy was unabashed in his call for a divine spiritual encounter: "I believe our task as Reform Jews . . . is to become as much like the God in whose image we were formed as we can." Today, Levy declared, the pathway to greater spiritual fulfillment for Reform Jews could be achieved by the reintroduction of traditional ritual practice. Through the observance of distinctly Jewish dietary practice, for example, or by drawing ourselves closer to the ritual customs that have characterized Judaism for centuries, a new platform would give members of our community "permission to experience more ways of living a holy life."[80]

Many rabbis favored the adoption of a new platform, hoping that it would respond to the acute spiritual longings that seemed to be so prevalent. One rabbi emphasized that the new platform should "remain open to a wide range of Jewish spiritual experience [that will enable Reform Jews] to bear witness to our covenant with God [and give voice to] our deepest longings for human immortality. . . ." In an article that appeared shortly after Pittsburgh II had been adopted, one observer understood the document as the movement's institutional attempt to combat the American cultural tendency to prefer "individualistic spirituality" to organized religion. By widening Reform Judaism's spiritual lens, the framers were actually hoping to bridge "a growing gap between personal spirituality and religious institutions."[81]

Clearly, the desire to address a perceived spiritual hunger among Reform Jews was a conspicuous catalyst in the array of factors that spurred many members of the CCAR to respond favorably to Richard Levy's call for a new platform. As the document took shape, much of the debate focused on the need for the CCAR to promulgate (what one rabbi called) an "impressive vehicle" for expressing "Reform Jewish belief." Rabbi Eric Yoffie (b. 1947) summarized this desideratum by calling for a set of principles that "speaks to deep religious needs [and] nurtures religious community. . . ."[82]

79 Borowitz, *Reform Judaism Today*, 2:163, 179.

80 *Reform Judaism* 27 (Winter 1998) 19–20, 54.

81 For the letter citation, see "Comments on the Ten Principles for Reform Judaism" file, SC-14501, AJA, Cincinnati, Ohio. See also Dana Evan Kaplan, "Politics and Piety in the 'Religious Marketplace,'" *Congress Monthly* 66 (July/August 1999) 11.

82 For the letter citation, see "Comments on the Ten Principles for Reform Judaism" file, SC-14501, AJA, Cincinnati, Ohio. See also Eric H. Yoffie, "Rabbi Eric H. Yoffie Responds," *Reform Judaism* 27 (Spring 1999) 19.

RESPONDING TO THE JEWISH ILLITERACY AND ATTRITION AMONG YOUTH

Possibly the most noteworthy of any factor that spurred the development of a platform in Reform Judaism relates to the relentless and acute anxiety about the impoverished state of Jewish learning. There has never been a generation of American Jews which has expressed satisfaction with the level of knowledge in the Jewish community, and Reform Jewry is no exception to this rule. The Charleston reformers fretted over this problem, and their Memorial stressed that the reforms they recommended would appeal to the "younger branches of the congregation." The ritual changes they proposed would help, they maintained, the younger generation "become gradually better acquainted with the nature of our creed . . . the meaning, and the reason, of our various forms and ceremonies."[83]

The hope that a rabbinical statement of Reform Jewish tenets could advance Jewish education figured largely in the minds of the rabbis who participated in the Philadelphia conference. Even before the rabbis gathered in Philadelphia, Mr. S. Hecht, identifying himself as a teacher from Evansville, Indiana, addressed a letter to the conference imploring the delegates not to focus on matters of religious practice, but rather to concentrate on improving Jewish education. The development of schools, Hecht wrote, is "more important than the question of ritual."[84]

At the conference itself, Kaufmann Kohler advocated the development of a series of much needed textbooks and historical materials that could be used in religious instruction. The lack of educational resources was so great, Kohler told his colleagues, that he felt compelled to raise funds in order to make Bibles available inexpensively.[85]

The most ardent advocate of improved education was Rabbi Bernhard Felsenthal (1822–1908) from Chicago. Felsenthal invited his colleagues to collaborate on the development of new instructional materials. In particular, he called for a Hebrew primer which was sorely needed. Felsenthal wanted to strengthen elementary congregational schools as well as junior high schools. He also hoped to foster the training of "efficient teachers" who would know how to teach Judaism with "enthusiasm and loyalty" and "who [are] in command of the English language and are completely acquainted with the spirit of American society." David Einhorn agreed with Felsenthal, adding the wish that his Philadelphia confreres would find a way to establish an "Institute for the training of Jewish primary and secondary school teachers" in the United States. Clearly, many of the reformers were concerned about this topic, and they agreed with Mr. Hecht

83 Moïse, *Harby*, 53.

84 The Hecht letter was dated October 27, 1869. See Temkin, *The New World of Reform*, 81.

85 Temkin, *The New World of Reform*, 94–95.

about the need to strengthen Jewish schools in America which were "almost everywhere on the decline."[86]

That Jewish education remained a salient topic of concern to the rabbis at the Pittsburgh Rabbinical Conference may be seen from the CCAR paper that Kaufmann Kohler delivered at its opening. The desolate state of Jewish instruction constituted a major theme of Kohler's. In his opening paragraph, Kohler told his colleagues that "Jewish self-respect and piety . . . have grown rarer among our youth." He called the matter "one of the most important requirements of the hour," and he urged that his colleagues "humbly learn from the other" so that the development of texts, of teachers and curricula might be facilitated.[87]

The depth and sincerity of Kohler's apprehension over the state of Jewish learning in the United States — especially with regard to Jewish youth — were expressed passionately in the course of the oration he delivered to his colleagues:

> . . . our people today, in spite of all Sabbath schools and Synagog services, betray an appalling ignorance concerning our holy legacy, the Bible or Jewish literature, which seems to constantly grow from year to year. It must, therefore, be a matter of great concern to all of us, whether progressive Reformers or Conservative Jews, to find that this pristine pride and privilege of the Jew, his learning and his sound judgement based on familiarity with the sources of his religion, is failing and dying out to make room for arrogant hollowness and shallowness of thought in religious matters . . . the vital interest of Judaism demands that we should introduce new ways and measures to make our people, and particularly the young, more familiar with the Bible and the entire Jewish literature. . . .[88]

At the conclusion of his opening address, Kohler handed over his ten-point platform that had been formulated on the basis of his paper. The tenth point of the draft dealt directly with the topic of Jewish education:

> . . . we consider it a matter of the utmost necessity to organize a Jewish mission for the purpose of enlightening the masses about the history and the mission of the Jewish people and elevating their social and spiritual condition through press, pulpit and school.[89]

86 Temkin, *The New World of Reform*, 81, 99–100, 112.

87 Temkin, *The New World of Reform*, 97–98.

88 See Kohler's "Conference Paper," 92, 100.

89 Kohler, "Conference Paper," 106. Kohler speaks of creating a "Jewish mission" which would "make propaganda" for liberal and enlightened doctrines. He goes on to advocate for a "well organized Jewish literature and press" that would provide American Jewry with much needed pamphlets, tracts, books and articles. This initiative would, according to Kohler, provide American Jewry

During the course of their convocation in Pittsburgh, conference participants heard many expressions of worry over the state of Jewish education. Numerous educational initiatives were proposed: a Sabbath School union, the publication of books, and the training of pedagogues. Kohler, in lamenting the dearth of qualified and experienced teachers, observed: "We should have at our disposal teachers trained as pedagogues who understand how to draw out the child; as we are now situated we must train our own pupils to become teachers. . . ." David Philipson reinforced Kohler's point emphatically:

> Teachers, competent teachers, is what we need, and not books; religion can not be taught from books; it is a subject which more than any other depends on the individuality of the teacher to successfully impart.[90]

The final version of the Pittsburgh Platform, prepared by a specially appointed subcommittee of five, did not refer to Kohler's plank about an educational "mission" to the Jews. Why was the idea of creating a Reform Jewish educational "mission" dropped after Kohler's impassioned appeal on the subject? It is impossible to know with certainty, but perhaps the rabbis wanted this statement to be a credo, a statement of beliefs. The idea of creating an educational mission — vital as it may have been — did not fit into the overall context of a credo. In any event, there can be little doubt that Kohler and many of the rabbis who participated in the Pittsburgh conference believed that the level of Jewish education in America was in serious decline. They hoped that by writing and propagating a clear platform for Reform Judaism they would, *ipso facto,* be tackling directly the decline in Jewish knowledge.[91]

At the CCAR convention in 1936, the Platform Committee placed the first version of what would eventually become the "Guiding Principles of Reform Judaism" before the attendees. During the course of the discussion, the hope that a new platform for Reform Judaism would serve as an antidote for the ills of Jewish education was repeatedly stressed. "We are today passing through a time of confusion," one speaker intoned, "and we are very much in need of Guiding Principles. I need not tell you of the appalling ignorance that prevails among our laity." Another rabbi emphasized that a new platform would constitute a fine and useful "summary which we can give to our young people so that they may have a statement which represents the Principles for which Reform [Judaism] stands."[92]

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with "a continual flow of stirring and inspiring poetry and rhetoric to break the ice of (Jewish) indifference. . . ." (94, 96–97).

90 See the "Proceedings of the Pittsburgh Rabbinical Conference" in Jacob, *The Pittsburgh Platform,* 120–21.

91 Jacob, *The Pittsburgh Platform,* 106–7

92 Comment by Rabbi Max Raisin, *CCAR Yearbook* 36 (1936) 99. Comment by Rabbi Philip D. Bookstaber, *CCAR Yearbook* 36 (1936) 97.

Many of the rabbis emphasized how important and helpful a platform would be for their religious school programs. "We need [the Guiding Principles] for our schools . . . ," one rabbi exclaimed. A second rabbi embraced the platform because he felt it offered something that the rabbis could use "in the practical work of the ministry; something which we will be able to place in the hands of the older children of our Religious Schools." Still another told his colleagues that the adoption of a platform would foster a consensus of purpose, an ideological unity that would benefit the synagogue's educational program:

> Each of us is confronted with the task of building a curriculum for his religious school. We would like this curriculum to conform as much as possible with the curricula of all other Reform Jewish schools. But how can we ever hope to arrive at a more uniform program for our religious schools unless we have some generally accepted principles of Reform Judaism by which we can be guided?[93]

The following year, in 1937, the penultimate version of the platform's preamble was unambiguous about the relationship between the Jewish educational enterprise and the new platform: "The perpetuation of Judaism as a living force depends upon religious knowledge and upon the *Education* [emphasis in original] of each new generation in our rich cultural and spiritual heritage." Clearly, the proponents who advocated the approval of a new platform in Columbus did so, in part, on the grounds that such a document would help to improve the overall state of education within the Jewish community.[94]

As the institutions of Reform Judaism commemorated the centennial of their founding, the perceived inadequacies of the system of Jewish education were conspicuous issues. In 1975, the CCAR's Commission on Education had drafted a new statement on the importance of Jewish education. The CCAR and the Reform movement continued to grapple with troubling manifestations of rampant assimilation: mixed marriages, a decline in synagogue attendance, and an ever-growing number of Jews disaffiliating with a synagogue.[95]

Those writing the Centenary Perspective were mindful of these worries, and the statement they composed underscored the important role that study, literacy, and knowledge play in the value system of Reform Judaism. "Jewish obligation begins with the informed will of every individual," the Centenary Perspective observed. "Lawgivers and prophets, historians and poets gave us a heritage whose study is a religious imperative. . . ." Pointedly reminding the community

93 Comment by Rabbi Solomon Foster, *CCAR Yearbook* 36 (1936) 101; comment by Rabbi Marius Ranson, *CCAR Yearbook* 36, 98; comment by Rabbi Lawrence Schwartz, *CCAR Yearbook* 36, 103.

94 *CCAR Yearbook* 47 (1937) 100.

95 *CCAR Yearbook* 85 (1975) 81–82; and *CCAR Yearbook* 84 (1974) 54–56.

that the reformation of Judaism cannot properly take place unless it is based on a studied analysis of the past, the statement insisted that "Reform Jews are called upon to confront the claims of Jewish tradition, however differently perceived, and to exercise their individual autonomy, choosing and creating on the basis of commitment and knowledge."[96]

"Jewish continuity" was the Jewish communal catch phrase in the last decade of the twentieth century. The slogan appeared as a response to the findings of the 1990 Council of Jewish Federation's Jewish Population Survey which produced an arresting array of statistics including the discovery that, since 1985, more than half of those who were born Jewish had married a non-Jew. The survey also revealed that Jewish education was a boon for Jewish identification. The more Jewish education an individual had, the more likely that he would identify as a Jew. A new generation of Jewish philanthropists directed much of its giving to initiatives that enhanced Jewish education.

At the same time, more Jewish learning among Reform Jews became one of the new UAHC president's top priorities. Speaking to thousands of his constituents at the UAHC's 1997 biennial convention in Dallas, Texas, Rabbi Eric Yoffie devoted a considerable portion of his presidential address to a call for more emphasis on traditional Jewish learning in Reform Judaism. Even before the UAHC delegates left Dallas, pamphlets titled "Jewish Literacy Initiatives" were distributed, calling on synagogues to make text study a regular component of its committee and board meetings, and urging individual members to make Torah study a "habit in our homes." With Yoffie repeatedly advocating what he called "a Torah-centered Reform Judaism," it should be no surprise that the Pittsburgh II platform echoed what became a dominant theme of Jewish communal life in the 1990s:

> We affirm the importance of studying Hebrew. . . . We Reform Jews are called by Torah to lifelong study in the home, in the synagogue and in every place where Jews gather to learn and teach. . . . We are committed to the ongoing study of the whole array of Mitzvot. . . .[97]

96 *CCAR Yearbook* 86 (1976) 175–77.

97 See *Highlights of the CJF 1990 National Jewish Population Survey* (New York: Council of Jewish Federations, 1991). A remarkable number of well-endowed foundations expressly dedicated to advancing the cause of Jewish education and, thereby, strengthening Jewish identity arose in the last few decades of the twentieth century, including The Avi Chai Foundation, the Samuel Bronfman Foundation, the Barbara and Morton Mandel Family Foundation, the Charles and Lynn Schusterman Family Foundation, the Steven Spielberg Righteous Persons Foundation, the Michael and Judy Steinhardt Foundation/Jewish Life Network, and the Leslie Wexner Foundation. See Eric H. Yoffie, "Renewing the Covenant: Our Reform Jewish Future," *Presidential Address* given at the 64th General Assembly of the Union of American Hebrew Congregations, Dallas, Texas, November 1, 1997; and UAHC pamphlet titled "Jewish Literacy Initiatives," AJA, Cincinnati, Ohio. See also, *Reform Judaism* 27 (Spring 1999) 19.

Those who favored the adoption of a new set of principles expressed the hope that this document would serve the cause of Jewish learning. As the document evolved, Levy actually advocated the creation of pamphlets or study material based on the new guidelines. He envisioned a movement-wide educational initiative based on the content of the newly adopted principles. If these study materials are used in the movement's synagogues, Levy predicted, "I foresee more and more sustained Torah learning. . . ." So just as it was with American Reform Judaism's forerunner platforms, Pittsburgh II clearly reflected a widespread consternation over what was believed to be a communal crisis in the contemporary state of Jewish knowledge.[98]

Conclusion

Each of the successive statements on Reform Judaism reflect evolving sensibilities regarding the nature of Jewish ritual, ceremony, and practice in the context of a uniquely American setting. Addressing as they did the needs of their own era, all of these statements or platforms spoke in terms and expressions that were familiar to that particular generation of reformers: Jewish reformers wanted an ancient Judaism to adapt itself to the ever-changing conditions of the American Jewish landscape.

In one sense, the ideas encapsulated within these various platforms were never unprecedented; the origins of each one of the concepts they contained may be traced to earlier sources. Similarly, the changes in rite and practice that any given statement championed had been practiced, to one extent or another, before the document came into existence. Yet it was the gathering of these important tenets together and presenting them to the world as a platform that gave these documents a distinct status. What was needed — and what the platforms provided — was an articulate rationale that gave Reform Judaism the means to explicate itself to those who affiliated with the movement, as well as to those who did not.

Even though the contents of Reform Judaism's platforms reflect these changing conditions and, viewed from this perspective, the platforms appear to be a succession of dissimilar documents, the impulses that prompted reformers to compose these statements of belief have remained remarkably consistent throughout the course of the American Jewish experience. Just as the various statements on Reform Judaism constituted responses to pervasive apprehensions over Jewish communal disaffiliation, dwindling emotional connection to Jewish religious practice, and shortcomings in the realm of Jewish education, so too were the platforms useful tools in propagating a rationale for the reformation of ideology, ritual, and ceremonial praxis in American Reform Judaism.

98 *Reform Judaism* 27 (Winter 1998) 54.

„ביום חמישי, ששה ימים לירח מרחשון." הוא אף ציין בתאורו ש„שני הימים האלו, שהם שישי (ביקורו בהר הבית) ותשיעי (ביקורו בקברי האבות בחברון) במר חשון, נדרתי שיהיו לי כמו יום טוב ותפילה ושמחה בה' ואכילה ושתיה."

קברי האבות בחברון התגדרו מיתר קברי הצדיקים מחמת חשיבותם המיוחדת, על כן אין לראות בתפילתו של הרמב"ם במערת המכפלה משום יחס חיובי לפולחן הקדושים בכללו, או עידוד לעלות ולהתפלל על קברים נוספים. עובדה היא שהוא לא הזכיר ברשימתו האוטוביוגרפית שעלה והתפלל על קברי צדיקים נוספים. זאת ועוד, יש להניח שהרמב"ם לא השתטח והתפלל על קברי האבות ממש „במקום שאינו בחזקת טהרה," אלא עשה כן במקום שטומאת המת אינה מגעת – במערת המכפלה הנמצאת מעל למערה שבה מונחים האבות.

במאמר זה הוא כונסו ונערכו מחדש דברים שנידונו בהרחבה ובמפוזר בדיסרטאציה שלי, „מטומאת המת להקדשתו," אוניברסיטת בר-אילן; רמת גן, תשנ"ז, שנעשתה בהדרכתו של פרופ' ד' שפרבר. (להלן: ליכטנשטיין, „מטומאת המת להקדשתו").

(הלכות ביאת מקדש פ"ג, ה"ה; הלכות בית הבחירה פ"ו, הל' יד-טו; שם, פ"ז, ה"ז). וצריך לומר שהכוונה בביטוי „בית הגדול והקדוש" להר הבית בכללו, במקום שמחוץ לחיל. תדע, שהרי „בית הגדול והקדוש" בוודאי אינו כמשמעו ממש, שהרי אין בית. וראה עוד על כך: י' שילת, שם, עמ' רכו.

הצדיקים, גרמה לכך שהפוסקים השונים לא הזכירו בדבריהם שאין לבנות נפש על קברו של צדיק. אמנם כתב הרב אהרן ברכיה ממודינה[126] במעבר יבק (מנטובה שפ"ו, אמרי נועם – מאמר ה, פ"מ) שהקמת ציון על קברי הצדיקים לא נועדה לזכרונם, אלא:

> כי הציון לקברי הצדיקים יועיל לצורך החיים כי בראותם ציון אדם חשוב מעוררים לבקש רחמים על קברו עבור החיים והמתים.

וכן כתבו מספר רבנים בדורות האחרונים שיש לחלק בין הקמת נפש – מצבה לזכר נפשם של הצדיקים – שאין עושין כן, כי „אין עושין נפשות לצדיקים, דבריהם הן הן זכרונן," לבין הקמת ציון ומבנה לצורך העולים לקברם, שידעו לזהות את מקום קבורתם של הצדיקים ויהיה להם שם מקום מוגן לתפילה ולהשתטחות – שאין בכך כל איסור, אלא אדרבה יש חשיבות לידע באיזה קבר קבור צדיק פלוני, כדי שיוכלו להשתטח ולהתפלל על קברו.[127] אך קשה להעמיס חלוקה זו בדברי רבן שמעון בן גמליאל בירושלמי, ובוודאי שהרמב"ם לא יוכל לקבלה שהרי פסק: „לא יפנה אדם לבקר הקברות."

ברם, אין לראות בדברים אלו משום התנגדות מוחלטת של הרמב"ם להשתטחות ותפילה על קברי אבות, שכן הוא עצמו השתטח על קברי האבות בחברון בעת שהותו בארץ ישראל וכפי שתאר ברשימתו האוטוביוגרפית:[128]

> ובאחד בשבת, תשעה בחודש, יצאתי מירושלים לחברון לנשק קברי אבותי במערה, ואותו יום עמדתי במערה והתפללתי, שבח לאל יתברך על הכל.

מתיאור זה עולה שהרמב"ם ייחס חשיבות מרובה לתפילה על קברי האבות בחברון. חשיבות זו מתבררת ומתבלטת בעיקר מכך שהרמב"ם הסמיך ברשימתו זו את ביקורו ותפילתו בקברי האבות בחברון לביקורו ותפילתו בהר הבית בירושלים ב„בית הגדול והקדוש;"[129]

126 נפטר בשנת שצ"ט (1639). תלמידם של המקובלים ר' הלל ממודינה ור' עזרא מפאנו. ספרו מעבר יבק נדפס בשלמותו בשנת שפ"ו (1626).

127 ראה בשו"ת מנחת אלעזר (לאדמו"ר ממונקאטש הרב אלעזר שפירא) חלק ג (בני ברק, תשכ"ח) סי' לז ושם מקורות נוספים. ור' אש"ב סופר בשו"ת כתב סופר, יו"ד (ירושלים, תש"ך) סי' קעח, מדייק זאת בדברי ר' נתן במשנה ובדברי רשב"ג בברייתא, לדעתו ר' נתן סבר שיש להקים נפש על קברו „כי הוא תועלת לנפש ולא הכבוד המדומה או זכרון בין החיים בעלמא, אלא שיש בו תועלת נפשו," ואילו רשב"ג סבר שאין עושין נפשות לצדיקים, „היינו אין בנין נפשות לתועלת הצדיקים עצמן כדי שלא ישכחו מן הלב וכדי שיתפללו בעדם, אין צריכים לזה, כי דבריהם הם זכרונם ורחושי מרחשן שפתותיהם;" לכן „אין עושין נפשות לצדיקים – בשביל צדיקים, אלא בונין ציון שיהיה מצוין לתועלת החיים שיבקשו ויתפללו על קבריהם בעד עצמן." על פי הסבר זה ניתן להבין מדוע ר' נתן אמר: „בונין נפש על קברו" ורשב"ג אמר: „אין עושין נפשות לצדיקים" ולא אמר על קברי הצדיקים, שכן אינו שולל הוא את עצם הקמת הנפש על קברו של הצדיק, אלא שאין עושין כן לצדיקים – לטובת הצדיקים, אבל יש להקים נפש בשביל החיים.

128 רשימה אוטוביוגרפית זו המיוחסת לרמב"ם מצויה בכת"י פריס 336 (ס' 2939) דף 38ב. היא מופיעה שם בסוף הפירוש למסכת ראש השנה המיוחס לרמב"ם (ראה מה שכתב על כך ר"ש ליברמן במבואו להלכות הירושלמי לרמב"ם, עמ' יב והיא מועתקת בשם הרמב"ם גם בספר חרדים לר' אלעזר אזקרי (מצות התשובה, פ"ד, דפו"ר ונציא שס"א, דף סו) שחי בארץ ישראל כארבע מאות שנה אחרי הרמב"ם (נראה שבעל ספר חרדים לא העתיק מכת"י פריס הנ"ל, אלא ממקור אחר). וראה עוד על רשימה זו וגוסחיה: י' שילת, אגרות הרמב"ם, חלק א (ירושלים: הוצאת מעליות שע"י ישיבת מעלה אדומים, תשמ"ד) עמ' רכד–רכז.

129 הכוונה, כמובן, למקום בית המקדש, אך הרמב"ם הרי פסק שאסור להיכנס לפנים מן החיל אף בזמן הזה

נזרעת ואינה ניטעת, כדי שבני אדם לא יהיו רגילים להכנס אליה,[121] כי יש חשש שמחמת קרבתה של השדה לבית הקברות נקברו בה מתים בלא ציון של מקום קבורתם, אך עושים מעפרה תנורים לקדש שהרי לא הוחזקה בה טומאה.[122]

ביאורו של הרמב"ם עומד ונסמך על העקרון שיש להרחיק את האדם ממקום שאינו טהור, על כן גם במקום שיש בו רק חשש טומאה כ„שדה בוכים" יש צורך להוביר, כדי שבני אדם לא ימצאו עילה לבקר בו. ואם כך הדבר במקום שיש בו רק ספק טומאה, קל וחומר שיש להגביל את הביקור בבית קברות שיש בו ודאי טומאה.

רוב הפוסקים הראשונים לא הביאו את פסקו של הרמב"ם, ובעיקר בולט הוא בהעדרו מהלכותיהם של בעל הטור ובעל השלחן ערוך. יתכן שהפוסקים הראשונים לא הזכירו בספריהם שיש לבנות נפש על קבר המת, כי לא ראו בדברי רבי נתן במשנה (שקלים פ"ב, מ"ה): „מותר המת בונין לו נפש על קברו" משום הוראה המחייבת לבנות נפש על קבר, שכן אם יש בכך חיוב, היה להם לגבות מעות לכתחילה גם עבור הקמת נפש, על כן סברו הפוסקים הראשונים שבניית נפש על קבר המת היא רק עניין של רשות,[123] וממילא אם לא הזכירו בדבריהם שיש צורך לבנות נפש על הקבר, לא ראו צורך להזכיר שאין בונים נפש על קברו של צדיק.

בפועל, נהגו ברוב המקומות לבנות נפש על קבר המת, אך בניגוד לדעת הרמב"ם, מזה דורות רבים עושים כן גם על קברי צדיקים.[124] ללא ספק העליה לרגל והזיאר"ה לקברי צדיקים שהיו מקובלים מאוד בימי הביניים[125] הביאו להעמדת „ציון נאה" – מצבה נאה על קברי הצדיקים לציון חשיבותם וקדושתם, לצורך זיהויים והכרתם ע"י עולי הרגל, וכן להקמת מבנה על הקבר והציון כדי שישמש כמקום פולחן ציבורי וכמחסה מפני החום, הצינה והגשם לעולים לקברים אלה. יש להניח שמציאות זו של הקמת מבנים ומצבות גדולות על קברי

121 וכן נאמר בתוספתא שם:

> ר' יהודה אומר שדה שחפר בה קבר אין נטעת כל נטע ואין נזרעת כל זרע . . . כדי שלא להרגיל רגל אדם לשם.

122 וכן ביאר רבנו מנחם המאירי בבית הבחירה, שם.

123 ראה: שו"ת רדב"ז, חלק ד (ונציה, תק"ט) סי' רמ"ג; שו"ת אגרות משה, יו"ד חלק שלישי (ברוקלין, ניו יורק: ר' משה פיינשטיין, תשמ"ב) סי' קנד.

124 וכך כתב החיד"א בפרושו נחל קדומים על הפסוק „ויצב יעקב מצבה" (בראשית כ, יד):

> והמנהג לעשות מצבה לרבנים גדולים כאשר מפורסם – מצבות מרן והאר"י והרמ"ק ומור"ם בעל המפה ודומיהם, זכר כולם לחיי עד. וכן בקברות התנאים ואמוראים ונביאים יש ציונים וכוכים כמפורסם, ומה גם דלדברי האר"י ז"ל יש צורך בציון.

וראה דברי החיד"א בברית עולם על ספר חסידים (מהדורת מרגליות, סי' תשל"ח, עמ' תמז) ובשו"ת חיים שאל, חלק א (ליוורנו, תקנ"ב, סי' עא, אות ו). וראה עוד בפחד יצחק לר' יצחק לאמפרונטי, חלק חמישי (ליוורנו, תקצ"ט, ערך: „מצבה"). ור' אהרן ברכיה ממודינה כתב בספרו מעבר יבק (מנטובה שפ"ו, אמרי נעם, מאמר ה, פ"מ):

> והנה עתה בראותנו כי כמה צדיקים יש להם ציונים על קבריהם מימי קדם ובפרט בארצות המערב כנודע ומפורסם. ושמעתי משם האר"י זצ"ל שהיה אומר שהצדיקים השלמים שיש להם ציון, הם מעלמא דאתגלי; ואותם הרשומים שאין להם ציון, הם מעלמא דאתכסיא, הנה כי הציון לצדיקים מורה מקום מוצא נשמתם.

125 ראה על כך בהרחבה: א' ריינר, „עליה ועליה לרגל לארץ ישראל" (דיסרטאציה; ירושלים: האוניברסיטה העברית, תשמ"ח) עמ' 295–305; ליכטנשטיין, „מטומאת המת להקדשתו" עמ' 232–249.

בגמרא שנפל בשדה אבר מן המת? ועוד מדוע לחשוש חשש כפול: שמא נפל בשדה אבר מדולדל מן המת, ושמא המלווים את המת והאחראים על קבורתו „נתייאשו אלו על אלו" ושכחו בשדה את האבר המדולדל מן המת. כמו כן הביטוי „יאוש בעלים" שהוזכר בגמרא אינו מחוור, כי לפי פירוש זה אין כאן יאוש של בעל השדה, אלא שכחת המת ע"י מלוויו.[119] פירוש נוסף הוא פירושו של רבנו שמשון משאנץ למשנה באהלות, שם, ששדה בוכין הוא מקום רחוק מן הקברות ובו נוהגין להושיב את מיטות המתים, „ומתוועדים ובוכים שם ואומרים עליו צידוק הדין," וכיון ששדה זו נהפכה למקום שבו מספידים את המתים מתייאשים ממנה בעלי השדה והיא נחשבת כמיצר שהחזיקו בו רבים, על כן אסור לקלקלה ע"י זריעה ונטיעה, וכפי שמעיר ר' אברהם בן דוד (בהשגתו על הרמב"ם הלכות טומאת מת פ"ח, ה"ו): „שלא ללכלך בגדי המתקבצים שם בעפר תיחוח."

ביאורו של רבנו שמשון מקוצי מוקשה, וכבר הקשה עליו ר' יוסף קארו (בכסף משנה על הרמב"ם, שם): „שלפי זה אינו ענין לטומאה ולא היה לו לתנא לשנותו לענין טומאה?" הרמב"ם פירש עניין זה באופן ברור יותר, וכך כתב בהלכות טומאת מת פ"ח, ה"ו:

> שדה בוכין, והוא המקום הקרוב לבית הקברות שהנשים יושבות שם ובוכות, אף על פי שעפרו טהור שהרי לא הוחזקה שם טומאה, אין נוטעין אותו, ואין זורעין אותו שלא להרגיל רגל אדם שם, שמא יש שם טומאה, מפני שהוא קרוב לבית הקברות כבר נתייאשו בעליו ממנו, לפיכך אפשר שיבוא אדם ויקבור בו ומפני זה חששו לו. ועושין מעפר מקום זה תנורים לקדש, שהרי לא הוחזקה טומאה שם.[120]

לדעת הרמב"ם, שדה בוכים היא שדה הסמוכה לבית הקברות שבה הנשים יושבות ובוכות על המת ובעלי השדה נתייאשו ממנה בגלל קרבתה לבית הקברות. על כן שדה זו אינה

פעמים שבני העיר מניחין אותו שם לפי שסוברין שאנשי בית הקברות יבואו ויטלו אותו. ובני בית הקברות יסברו שאנשי העיר יוליכוהו לבית הקברות ונשאר שם.

ובשיטה על מועד קטן לתלמידו של רבינו יחיאל מפריש (כתבי מכון הערי פישעל, מחלקה ג-ראשונים, כרך א; ירושלים, תרצ"ד) עמ' לח-לט, הוסיף לכך נופך מציאותי:

> ולפעמים שהיתה הלילה באה עליהם והיו אלו ממהרים לחזור לבתיהם, ואלו היו ממהרים לקברו, ומתוך חופזם מפני פחד הלילה הנחלקת עליהם, לא היו נותנים לב עליו כל כך, ולפעמים שהיה אבר אחד נופל מן המת והיו שוכחים אותו אבר שם, ואדם היה בא אחרי כן ומוצאו וקוברו שם, או שמא עדיין הוא שם טמון בתוך עשבי השדה והעובר שם מאהיל עליו. וכן פעמים שמביאין שלושה מתים או ארבעה ביחד, ונפל קטן ביניהם, והם טרודים לשאת הגדולים ומתוך מהירותם שוכחים שם הנפל, ואדם בא אחריהם שם וקוברו במקומו.

וראה עוד בפירוש הרא"ש על המשנה באהלות שם. והרשב"ם בפירושו השני בתוס' שם, באר זאת ע"פ הגירסה: „כוכין," וכדברי התוספתא:

> שדה כוכין – שדה שיש בה כוכין ומניחין המת שם לפי שעה, עד שיהו פנויים להוליכו לבית הקברות לקוברו, ופעמים שנשכח שם ולא הוסר וזהו יאוש בעלים.

וראה בשיטה על מועד קטן לתלמידו של רבינו יחיאל מפריש שם, שביאר את דברי הרשב"ם.

119 ראה: רבנו מנחם המאירי, בית הבחירה, מועד קטן (כתבי מכון הערי פישעל; ירושלים, תרצ"ד) עמ' כט.

120 ובפירושו למשנה באהלות שם פירש הרמב"ם:

> והוא מקום רחוק מבית הקברות קרוב לעיר, מספידין בו את המתים ובוכים בו בני אדם על המתים ... ואסור לנטעו ולזרעו כדי שלא יתעסקו בני-אדם שם, הואיל ואנו חוששין שם לטומאה והוא אמרם שלא להרגיל רגל אדם להכנס לשם.

למעלה מקדושת חברו, איסור טומאתו חמור; כהן הדיוט מיטמא לשבעת הקרובים, כהן גדול (גם נזיר כמותו) אינו מיטמא אפילו להם. ובשעה שהרבה דתות רואות בתופעת המיתה חיזיון חיובי, התומך וסועד את התחושה והתודעה הדתית, ולפיכך קדשו את המוות, את המת, את הקבר, שהרי כאן מפתן הטרנסצנדנטיות, שער העולם הבא, חלון מלא אורה, הפרוץ לתחום עליון ונשגב, הכריזה היהדות טומאה ביחס למת, ומאסה במיתה, בכיליון ובגוויעה, ובחרה בחיים וקידשה אותם. היהדות הנאמנה. שהיא בת קולה של ההלכה, רואה במוות ניגוד עצום וסתירה מבהילה לכל חיי הדת. המוות סותר את כל מהותה של חווית איש הדת המפוארת ... זכירת המת וההרהור בו פוגמים את קדושת המקדש והכהונה הגדולה ... קדושה מושרשת ומעורה בשמחה ... שמחה היא סמל החיים הריאליים, שההלכה מתגשמת בהם. אבלות ואנינות טוויות וקשורות עם המיתה המתנגדת לקדושה. מיתה וקדושה הם שני כתובים המכחישים זה את זה, ועדיין לא בא הכתוב השלישי להכריע ביניהם.

דומה שהדברים מדברים בעד עצמם, ויש בהם משום המשך לדברי הירושלמי ושיטת הרמב״ם שאין להתפלל וללמוד תורה סמוך לקבר, כי המקום אינו טהור ועל כן מהווה הוא סתירה ללימוד תורה וכדו׳. הגר״א ויוצאי בית מדרשו נוהגים הלכה למעשה כדברי הרמב״ם ש„לא יפנה אדם לבקר הקברות.״ חששו של הרמב״ם שלא יכנסו אנשים למקום שאינו טהור, בא לידי ביטוי בפירושו הבלעדי בעניין בית הפרס השלישי – „שדה בוכים.״ במשנה אהלות ח, ד, נאמר: „שדה בוכין[116] לא נטעת, ולא נזרעת, ועפרה טהור ועושים ממנה תנורים לקדש.״ ובבבלי מועד קטן ה, ע״ב, מבארת הגמרא:

מאי שדה בוכין[117] רבי יהושע בר אבא משמיה דעולא אמר: שדה שמפטירין בה מתים. וטעמא מאי? אמר אבימי משום יאוש בעלים נגעו בה.

שלושה פירושים נתנו לעניין זה. רש״י בפירושו למועד קטן שם, בארו:

שכשמביאין מתים ממקום למקום לקבור כשבאין בשדה סמוך לעיר נפטרין אלו שהביאום ממקומן והולכין להם ובאין אנשי המקום ומקבלין אותן ורוחצין אותן שם וקוברין אותן ... חוששין ביה משום טומאה משום יאוש בעלים לפי שהביאום ממקום רחוק נדלדל אבר ונפל שם ונתייאשו אלו על אלו והניחוהו שם.

דהיינו, שדה בוכים היא שדה שבו נפטרים המלווים את המת מן הגופה ומוסרים אותה לאנשי בית הקברות שידאגו לקבורה, ולפעמים יש חשש שמא נפל שם אבר מדולדל מן המת „ונתייאשו (סמכו) אלו על אלו והניחוהו שם.״[118] פירוש זה קשה להולמו, כי היכן הוזכר

116 בכת״י קופמן הגירסה היא: „כוכין,״ וכלשון התוספתא באהלות יז, יא:

שדה שאבד קבר בתוכה והיא שדה כוכין. שדה כוכין היא שדה שאבד קבר בתוכה. ואיזו היא שדה כוכין כל שחופר בארץ ומבליע את הכוכין לצדדין.

כלומר, שדה שהיו בה כוכין של מתים וחפר בה ופינה את הכוכים לצדדים, אבל חוששים שמא נשתייר שם כוך שלא פינהו. וראה לקמן. בהערה הבאה. וראה עוד: ד׳ רוזנטל, „חקל דמא- שדה בוכין,״ בתוך מ׳ בר אשר וד׳ רוזנטל, עורכים, מחקרי תלמוד ב (ירושלים: האוניברסיטה העברית, החוג לתלמוד, תשנ״ג) עמ׳ 490-516, אשר מבחין בין מסורת א״י „שדה כוכין״ לבין מסורת בבל „שדה בוכין.״

117 ויש שגרסו: „כוכין,״ ראה הערה קודמת.

118 וכן ביאר בתוס׳ נידה נז, ע״א, ד״ה: „בית-הפרס,״ וכן פירש באופן דומה הרשב״ם בפירושו הראשון בתוס׳ שם:

ואין לפרש הנוסחא שכתוב בה „ולא יפנה אדם לבית הקברות" – שלא יעשה צרכיו בבית הקברות, או לצד בית-הקברות . . . שאם כן היה לו לכתוב זה למטה בפי"ד במה שכתב שם שאין נוהגין קלות ראש בבית הקברות.

וכן דוחה הוא את הביאור שהרמב"ם אוסר לפקוד את הקברים כדי לראות אם הנקבר חי, או מת, מפני דרכי האמורי:

דהא תניא במסכת שמחות פ"ח: יוצאין לבית הקברות ופוקדין על המתים ג' ימים ואין חוששין מפני דרכי האמורי, מעשה שפקדו אחד וחיה עשרים שנה ואח"כ מת.[114]

וכן שולל ר' יצחק בר ששת את הביאור שכוונת הרמב"ם לאסור את פינוי המתים מבית הקברות „לפי שקנו מקומן":

שאם כן לא היה לכתוב לבית הקברות, כי אם בית הקברות, ועוד שהיה לו לכתוב זה למטה בפרק יד גבי מה שכתב שם דין קבר הנמצא וקבר המזיק את הרבים.

ריבוי הביאורים שנתנו לדברי הרמב"ם מצביע על כך שיש בדבריו משום חידוש. ואמנם ביאורו של ר' יצחק בר ששת שכרך את ההוראה לא לבקר בבית הקברות בהוראה לא לבנות נפשות על קברי הצדיקים, נראה יותר משאר הביאורים, וכפי שציין בסוף תשובתו: „ולכן נראה שפירוש לשון הרמב"ם ז"ל כמ"ש (כמו שכתבתי) למעלה, אלא שהמעתיקים טעו ועשו מהלשון ההוא בבא בפני עצמה." אך גם על ביאורו יש להקשות מדוע כתב הרמב"ם „ולא יפנה אדם לבקר הקברות" באשר הם, ולא כוון את דבריו לקברי צדיקים בלבד, הרי הוראתו לא לבנות נפש נאמרה ביחס לקברי צדיקים בלבד, ואילו ביחס ליתר הקברים קבע הרמב"ם שיש לבנות נפש עליהם. ונראה לומר בפשיטות שהיתה לרמב"ם מסורת שאין לבקר בבית הקברות, ונראה שסיבת הדבר נעוצה בכך שהמקום אינו טהור, ואין אדם יכול להתפלל וללמוד תורה שם, וממילא אין לו מניע לבקר בבית הקברות. על כן הדברים מכוונים לא רק לקברי צדיקים שאין בונין נפש על קברותיהם, אלא אף לשאר הקברים שבונים נפש עליהם.

עמדה זו של הרמב"ם התקבלה ע"י הגר"א ותלמידיו.[115] כך ניסח זאת ר' יוסף דב הלוי סולוביצ'יק בספרו איש ההלכה גלוי ונסתר (ירושלים: ההסתדרות הציונית העולמית, המחלקה לחינוך ולתרבות תורניים בגולה, תשל"ט, עמ' 40):

מיתה וקדושה הם שני כתובים המכחישים זה את זה, ועדיין לא בא הכתוב השלישי להכריע ביניהם. הגר"א מווילנה, ר' יוסף בר, איש בריסק, ר' חיים בנו, ר' משה בן בנו, ר' אליהו, איש פרוזינא, לא בקרו מעולם בבתי קברות ולא השתטחו על קברי אבות. זכרון המוות היה מטרידם מיגיעתם בתורה . . . יש ביהדות יחס שלילי אל המיתה ואל המתים; מת מטמא, קבר מטמא, אדם שנטמא במת טמא טומאת שבעה ואסור לו לאכול בקודשים ולהיכנס למקדש . . . כהני ה' אסורים להיטמא למתים. כל שקדושתו

114 וכן פירש הרדב"ז על הרמב"ם שם, שאסור לפתוח את הקבר לפקוד את המת לאחר ג' ימים, מפני דרכי האמורי, אולם קשה לקבל שהביטוי „לבקר" מכוון לפתיחת הקבר ופקידת המת. וראה בשו"ת החת"ם סופר יו"ד, סי' שלח, שבאר את דברי הרמב"ם שאין לבקר הקברות כמכוונים לאסור את פתיחת הקברים אפילו בתוך ג' ימים, שהרי לאחר שמכסים את המת בעפר אין סיכוי שימצאוהו חי.

115 ראה: ספר מעשה רב השלם, קונטרס הלכות הגר"א (מהדורת ולושינסקי; ירושלים, תשמ"ז) עמ' רעב. כך היה גם מנהגו של ר' עזריאל הילדסהיימר. ראה: מ' הילדסהיימר, „קווים לדמותו של רבי עזריאל הילדסהיימר," סיני נד (תשכ"ד) עמ' צד, הערה 166; א' ברט, דורנו מול שאלות הנצח (ירושלים: הוצאת הספרים של הסוכנות היהודית, תשל"ה) עמ' 159–160. וראה עוד, ליכטנשטיין, „מטומאת המת להקדשתו," עמ' 227–229.

מידות מערת הקבורה. וכן משמע מדברי הגמרא בבבלי מועד קטן ה, ע״א שציון הקברים נועד למנוע טומאה מן הכהנים ונושאי טהרות. לשאלת הגמרא שם: „רמז לציון קברות מן התורה מנין?״ השיב רבי אבהו: „„וטמא טמא יקרא׳ (ויקרא יג) – טומאה קוראה לו ואומרת לו פרוש.״[109]

כלומר, מסמנים את הקברים כדי שהכהנים ונושאי טהרות ירגישו בהם ויפרשו ממקום הטומאה. וכן השיב על כך אביי (שם): „ולפני עור לא תתן מכשול״ (ויקרא יט). דהיינו, צריך לציין את הטומאה כדי „שלא יהיו נכשלים בה נושאי תרומה וטהרות״[110] ובאופן דומה השיב רב חיננא (שם): „הרימו מכשול מדרך עמי.״ וכן עולה מתשובותיהם של רב פפא, ר׳ יהושע בריה דרב אידי, מר זוטרא, רב אשי ורבינא (שם).

שיטת הרמב״ם

הרמב״ם כאמור אימץ את דברי הירושלמי, וכך פסק בהלכות אבלות פ״ד, ה״ד:

> ומציינין את כל בית הקברות ובונין נפש על הקבר, והצדיקים אין בונים להם נפש על קבורותיהם שדבריהם הם זכרונם.

הרמב״ם קבע שצריך לציין את כל הקברים כדי לסמן את מקום הטומאה,[111] וחילק בין בניית נפש על קבר רגיל, לבין אי-בניית נפש על קברו של צדיק, כי דבריו הם זכרונו. אין ספק שדבריו של הרמב״ם מכוונים כנגד המגמה לבנות „נפשות״ על קברי הצדיקים על מנת להופכם למקום עליה לרגל. ואכן קבע הרמב״ם בהמשך דבריו (שם): „ולא יפנה אדם לבקר הקברות.״ קביעה זו של הרמב״ם גררה אחריה ביאורים שונים, אך היטיב לבאר זאת ר׳ יצחק בר ששת[112] בתשובותיו. כך מובא בשו״ת הריב״ש (ירושלים: מכון ירושלים, תשנ״ג, סי׳ תכא):

> „ולא יפנה אדם לבקר הקברות״ – הלשון הזה הוא קצת סתום, גם יש שינוי בנוסחא בקצת ספרים שכתוב בהן: „ולא יפנה אדם לבית הקברות.״ ונראה פי׳ הלשון הזה שהוא מחובר למה שמעלה ממנו שכתב אין עושין נפש לקברי צדיקים, והוא הבנין שעושין על הקבר כדי שיהיה נזכר שם הנקבר בבנין ההוא, והצדיקים אין צריכין לזה שמעשיהם הטובים הם זכרונם „ולא יפנה אדם לבית הקברות״ כלומר שאין להביט אל בית הקברות ולבנין שעל קבריהם, כי אם למעשיהם, ואף לפי הנוסחא הכתוב בה: „לבקר הקברות״ כך פירושה גם כן שלא יביט אדם לבקר מפני הבנין ההוא, כי אם למעשיהם הטובים יפנה וזה די להם לזכרון תמיד.

כלומר, דבריו של הרמב״ם „ולא יפנה אדם לבקר הקברות״ מהווים המשך לדבריו הקודמים „והצדיקים אין בונים להם נפש על קברותיהם״ לאמור: לא יפנה אדם לבקר בקברי צדיקים – בבנין שעל קבריהם, אלא ישים ליבו אל מעשיהם הטובים ומורשתם הרוחנית, כי בכך זכרונם ודי בזה.[113] ר׳ יצחק בר ששת מביא ביאור נוסף, ודוחהו:

109 וביר׳ שקלים פ״א, ה״א נאמר: „טמא יקרא – כדי שתהא הטומאה קוראה לך בפיה ואומרת לך פרוש.״

110 דברי רש״י שם, ד״ה: „לפני עור.״

111 ראה: בפירוש המשנה של הרמב״ם על מעשר שני ה, א; שקלים א, א.

112 נולד בשנת פ״ר (1326) בברצלונה, למד תורה מפי ר׳ חסדאי קרשקש, ר׳ פרץ הכהן ור׳ ניסים גירונדי ושמו נתפרסם לתהילה כאחד מגדולי חכמי הדור בספרד. רדיפת יהודי ספרד בשנת הקנ״א (1391) אילצה אותו להמלט לאפריקה הצפונית, בה התקבל כרב בקהילת אלג׳יר ונפטר שם בשנת קס״ח (1408).

113 וכן ביאר בעל הכסף משנה על הרמב״ם, שם.

וטהרה ואין לכך קשר לעניין האדרת מקום קברם של רבנן. ציון קברים נזכר כבר במשנה במסכת שקלים א, א: „מציינין את הקברים (באחד באדר)," ובמשנה במסכת מועד קטן א, א, נאמר ש„מציינין את הקברות" בחול המועד,[106] ובמשנה במסכת מעשר שני ה, ח, מובא שציינו את ה„קברות בסיד." ציון הקברים בסיד נועד לסמן את הקברים כדי שלא יאהילו עליהם כהנים ונושאי טהרות.[107] וכך ביאר ר' שמואל ב"ר מאיר בפירושו על בבא בתרא, שם, ד"ה: „ר' בנאה":

> ר' בנאה . . . היה נכנס במערות ומודד מדת ארכן מבפנים ואח"כ מודד מבחוץ כנגדן ועשה שם ציון סיד, כדי להכיר מקום הטומאה ולא יביאו טהרות דרך כאן שלא יאהילו על הקבר.[108]

באור זה עולה במפורש מדברי הגמרא בבבא בתרא, שם. ר' בנאה ביקש לציין את קברי האבות, וכאשר נכנס למערת „אדם הראשון יצתה בת קול ואמרה לו . . . כמידת החיצונה, כך מידה הפנימית . . . כמידת עליונה כך מידת התחתונה." דהיינו, הבת קול מסרה לו את

106 ובתוספות מועד קטן ב, ע"א, ד"ה: „ומציינין," נימק זאת: „דליכא טירחא."

107 שפיכת הסיד לציון הקברים, לא נעשתה על גבי קרקע הקבר אלא על גבי אבנים הסמוכות לקבר וכפי שנאמר בירושלמי שקלים פ"א, ה"א: „וראה עצם אדם ובנה אצלו ציון . . . ,ובנה' – מיכן שמציינין על גבי אבן קבועה, אם אומר את ע"ג אבן תלושה אף היא הולכת ומטמא במקום אחר." וכן עולה מלשון הברייתא בבבלי מו"ק ה, ע"ב: „ואין מעמידין ציון במקום טומאה." וכן מדברי רב יהודה שם ו, ע"א: „מצא אבן מציינת . . . אם יש סיד ביניהם." וכך ביאר במפורש בתוספות הרא"ש על מו"ק שם, ד"ה: „אם יש":

> כי כך היה דרכן כשמציינין את הקבר משקעין אבן אחת בצד ראשו ואבן אחת בצד מרגלותיו וממחין סיד במים ושופכין אותו על אותן אבנים וביניהם מראשו ועד רגליו.

108 וכן כתבו בתוס' בבא בתרא שם, ד"ה „מציין"; רבנו גרשום, בבא בתרא שם; ריטב"א ונימוקי יוסף, בבא בתרא שם; רש"י, בבא מציעא שם, ד"ה: „מציין מערתא" ועוד. אך ר' אישתורי הפרחי בכפתור ופרח (מהדורת לונץ עמ' ש) תמה על כך:

> שהרי סביב המערה מרובע רבוע גדול, חומה גבוה מאבני המקום הקדוש בית המקדש, ומקובל שהוא מבנין שלמה ע"ה, א"כ למה היה צריך לציין? . . . וכי מידת ארכן ורחבן הוא צריך?

והשיב: „הטיבו אשר דברו מציין (פירוש) מעיין. וגם הרי"ף כתב בתשובה שכן ראה בחלום." כלומר, ר' בנאה היה מעיין בגודל קדושת האבות ומקום קבורתם. ואמנם בשו"ת הרי"ף סי' שיג נאמר:

> רבי בנאה הוה עסיק בציון מערתא כי היכי דליפרסם מקום טומאה דלאבדלי כהני מינה. והאי מעשה דאתמר בחלום ראה אותו ולא במראית עין.

אך הרי"ף חילק בן ציון בפועל של הקברים לצורך סימון מקום הטומאה כדי שהכהנים יבדלו מהם, לבין המעשה שארע לר' בנאה בתוך המערה (שיחתו עם אליעזר עבד אברהם בפתח המערה, ושיחתו עם הבת קול במערת אדם הראשון) שהיה „בחלום ולא במראית עין."

> וכן כתב בשיטה מקובצת (בבא מציעא, שם) בשמו של תוס' שאנץ, על המעשה של ריש לקיש שביקש לציין את מערת ר' חייא ולא מצאה, ושוחח עם ה„בת קול" על גדולתו של ר' חייא: „אומר ר' שבחלום הראהו ונראין דבריו."

אמנם ר' יעקב עמדין בחידושיו לבבא מציעא שם, כותב כדברי בעל כפתור ופרח: „ר"ל הוה מציין מערתא דרבנן . . . נ"ל כי היכי דלידעו אינשי ואתו לצלויי על קברייהו ומודעי להו כל צרה שלא תבוא על הציבור. והיינו נמי דרב בנאה דהוה מציין מערתא . . . דקברי צדיקים כאבות ודאי לא מטמאין . . . אלא נפקה מינה כדאמרן וכדאשכחן גבי כלב שהלך ונשתטח על קבר דאבות ודכותה באגדות טובא." (וראה עוד בכלי יקר, ריש פרשת אמור). מכל מקום פירוש רבותינו הראשונים עיקר.

היה ציון על קבר, ועל כן אין לראות בהכרח בדבריו של רבן שמעון בן גמליאל משום סתירה להוראתו של ר' נתן. וכן לא מסתבר שדבריו מכוונים לאסור הנחת ארון קבורה בתוך בניין קבורה רגיל, המכונה אף הוא כאמור בשם „נפש", שהרי הקבורה המקובלת בימיהם היתה בתוך ארונות קבורה שהונחו בתוך בנייני קבורה או מערות קבורה. רבן שמעון בן גמליאל התכוון בהוראתו למיני הבניינים, שהוקמו לזכרון ולראוה לדורות לנפש הנפטר.[102] אף אם נאמר שר' נתן ורבן שמעון בן גמליאל התכוונו לאותו מושג של „נפש" ולדעת ר' נתן מהכסף הנותר יש להקים „נפש" – מצבת זיכרון על קבר המת, אין בכך משום שינוי מהותי בהוראתו של רבן שמעון בן גמליאל שאין עושין כן על קברי צדיקים. דומה שרבן שמעון בן גמליאל לא התכוון לומר רק שאין צורך להקים נפש על קברי צדיקים, כי „דבריהם הן הן זכרונן", אלא כוונתו היא לאסור זאת, שהרי התבטא בלשון איסור – „אין עושין." הוא אסר להקים „נפשות" על קברי צדיקים או בסמוך לקבריהם, כי יש בכך משום פולחן מתים והערצת קברים שמקומם לא יכירנו במסורת ההלכתית. לפיכך נימק רבן שמעון בן גמליאל את הוראתו שלא להקים נפשות על קברי הצדיקים, כי „דבריהם הן הן זכרונן." לאמור: הנצחתם וזכרונם של הצדיקים הם לא בהקמת מונומנט מפואר על מקום קברם המשמש כמוקד להשתטחות והערצה, אלא מורשתם הרוחנית – דברי תורתם אשר הנחילו לדורות הבאים, כדי שילמדו ויעסקו בהם. אף אם נאמר שרבן שמעון בן גמליאל לא התכוון בדבריו לאסור הקמת „נפשות" על קברי צדיקים, אלא רק הורה שאין צורך בסוג זה של זכרון לצדיקים, אין בכך משום שינוי מהותי ביסודו של דבר, שלדעתו יש להעדיף את זכרון הצדיקים ע"י דברי תורתם על הקמת נפש לזכרם. אמנם יש הטוענים[103] שרבן שמעון בן גמליאל אסר להקים נפשות מפוארות מתוך גישה סוציאלית-כלכלית שאין לבזבז ממון רב על הקמת נפשות, כי הדבר פוגע במשפחות עניות שאינן יכולות לעמוד בנטל הכספי, ויוצר דיפרנציאציה בציוני הקברים, וכפי שהנהיג אבי זקנו רבן גמליאל הזקן את תכריכי הפשתן כבגד קבורה לכל ובכך מנע תחרות של יוקרה.[104] אך אין נראה שזו הסיבה העיקרית שעמדה לנגד עיניו של רבן שמעון בן גמליאל, שכן אם ההיבט הסוציאלי-כלכלי עמד ביסודו של דבר, היה מן הראוי שידגיש בדבריו שאין עושין נפשות לעשירים ולא יכוון את הוראתו לקברי צדיקים. מתוך הדגשתו שאין עושין כן לצדיקים עולה שחששו העיקרי היה שהקמת בנין מפואר על קברי צדיקים תגרום להסטת זכרונם של הצדיקים מהליכה בדרכיהם ולימוד דברי תורתם ע"י הדורות הבאים, להתעסקות יתרה בהאדרה ופאר חיצוני של מקום קברם והפיכתו למוקד של פולחן והערצה.[105] ובמילים אחרות רבן שמעון בן גמליאל חשש שמא תסיח ההתמקדות באישיות הצדיק, המתרכזת מטבע הדברים בקברו, את הדעת מעבודת הקב"ה.

ציון מערות קבורה של חכמים נזכר בתלמוד. בבבלי בבא מציעא פה, ע"ב מובא שריש לקיש היה „מציין מערתא דרבנן." וכן בבבלי בבא בתרא נח, ע"א, מובא ש„ר' בנאה הוה קא מציין מערתא." שני מקורות אלו עוסקים בציון גבולותיה התת קרקעיים של מערת הקבורה, לשם הגדרת השטח הטמא. ציון מערת הקבורה ע"י חכמי ארץ ישראל (ריש לקיש ור' בנאה) הוא פועל יוצא ממציאות הקבורה במערות בארץ ישראל. לדבר זה משמעות לדיני טומאה

102 ובאופן דומה כתב הר' י"מ טוקצ'ינסקי בספרו גשר החיים (ירושלים, תש"ך) חלק א, פכ"ח, א, עמ' שג-שד; חלק ב, פכ"ה, א, עמ' רג-רד.

103 ראה: נ' רובין, „דפוסי האבל היהודיים בארץ ישראל בתקופת המשנה והתלמוד" (דיסרטאציה, אוניברסיטת בר-אילן; רמת גן, תשל"ז) עמ' 247.

104 ראה: תוספתא נידה ט, יז; מועד קטן כז, ע"ב; כתובות ח, ע"ב; שמחות יד, יד (מהדורת היגער, עמ' 209).

105 ראה לעיל הערה 91 את ביאורם של מפרשי המדרש לדברי רשב"ג.

על קירות מערכות הקברים שבבית שערים. מקום הקבורה, שבו קבור המת (מְקֻמָר) מכונה „בת נפשא״ או בקיצור „כנפשא״ כלומר: בית נפש. והוא דומה לשם „בת קבורא״ או „בת מקברתא״ שבכתובות תדמור. גם בכתובות עבריות בא השם „נפש״ בהוראת מקום קבורה. באחת הכתובות בבית שערים מקביל המונח היווני μνημα לתיבת „בנפשא״ ופעם אחת מתורגמת לשון „נפש״ ליוונית תרגום מילולי ψνχη בהוראת ארון או גלוסקמה, או כל כלי קיבול לגופו של הנפטר או לעצמותיו.[100]

מובנה הפשוט והמופשט של המילה „נפש״ מסתבר ממה שכתוב על אבני מצבות אחדות, שנתגלו בבית הקברות היהודי העתיק ביפו, והן מן המאות השנייה–השלישית לסה״נ החידוש בכתובות אלו הוא בנוסח „נוח נפש״ כגון: „הקבר הזה של רבי יודן הכהן ברבי נוח נפש שלום״ כתובות אחרות, שנמצאו בצוער שבדרום ים המלח, פותחות בזו הלשון: „תתניח נפשה דשאול״[101] יש בהם בניסוחים אלה משום בקשה, שתנוח נפשו של הנפטר. בהוראה זו מצויה „נפש״ בכתובות מעטות בלבד, ובעיקר בכתובות שמן המאות השלישית–החמישית לסה״נ. על פי כל מה שנאמר לעיל, אפשר לסכם את השתלשלותו והתפתחותו של המושג „נפש״ בדרך זו:

1. ראשיתו ועיקר הוראתו של לשון „נפש״ בענייני קבורה נראה שהיה ציון על קבר, מצבת זכרון לנפש הנפטר וסמל לנשמת המת. וכשבאו לבטא דבר זה ביטוי טקטוני ניתנו לנפש כמה צורות: אבן אסטילה פשוטה, עמוד חרוטי, פירמידה נתונה על גבי בניין אטום שלא נועד לקבורה, פירמידה על גבי הקבר או סמוך לו, פירמידה או קונוס עשוי מעשה תבליט או מעשה חריתה. כל אלו הן צורות של הנפש, והקבר בדול מהן. ואף כל מקום שאנו מוצאים נפש וקבר נזכרים כאחד, בין בכתובות ובין במקורות ספרותיים, שני דברים הם.

2. הגבולות בין שני המושגים ניטשטשו, בשעה שהקבר והנפש נצטרפו למבנה ארכיטקטוני אחד, כלומר: החלק התחתון של הבניין נועד לקבורה והחלק העליון עשוי כמתכונת הנפש המקובלת – הפירמידה. כאן ניטשטשה ההבחנה בין שני חלקי הבניין, וכולו נקרא „נפש״.

3. כשהבניין נועד לקבורה בלבד, ואין בו סימנים ארכיטקטוניים מיוחדים לזכר המתים – אף זה קרוי נפש. הבניין עצמו היה למצבה, לקבר מונומנטאלי.

4. כיוון שבנין קבורה נקרא נפש, ושם זה נהיה שכיח ביותר – ניטשטשה ההבחנה בין קבר מונומנטאלי לבין קבר סתם. כל בניין שיש בו עניין לקבורה יכול היה להיקרא נפש. במשך הזמן הורחבה משמעותו של השם, ונעשה כינוי לכל מקום–קבורה, כגון: מקמר, כוך, וכפי שראינו, אף ארון קבורה נקרא נפש בתרגום יווני.

5. לסוף, כאילו חזר השם למקורו, פשט את לבושו הגשמי וחזר וקיבל את הוראתו המקורית והמופשטת – נפש האדם, נשמת האדם.

לאור הבנת המושג „נפש״ נוכל להעריך את התנגדותו של רבן שמעון בן גמליאל להקמת נפשות על קברי צדיקים. לא נראה שרבן שמעון בן גמליאל גזר על הצבת ציון – אבן מצבה רגילה על הקבר, שהרי ציון הקברים הוא הוראה הלכתית מקובלת, ונראה שלכך התכוון ר׳ נתן בדבריו ש„מותר המת בונין לו נפש על קברו״ שהרי כאמור עיקר הוראתו של לשון „נפש״

100 ראה: אביגד, מצבות, עמ׳ 72. ושם מביא הוא דוגמאות נוספות.

101 ראה: אביגד, מצבות, עמ׳ 72.

בפטרה פירמידות חרותות או מגולפות על קירות הסלע, העומדות על גבי תושבת או אדן, וגובהן 50–80 ס"מ בערך, ולפעמים יותר ממידה זו. על כמה מהפירמידות הסמוכות לחדרי קבורה, נמצאה כתובת „נפש" בתוספת שם של נפטר (כגון: „נפש זידקומו בר יקום;" „נפש יקום בר זידקומו"). פירמידות אלה נועדו לשמש זכרון עולם לנפטרים, הנבטים היו רגילים לחרות פירמידה כנראה בכל מקום שאי-אפשר היה לבנות נפש ממש.[96] עדות נוספת להפרדה בין נפש לבין קבר ניתן למצוא בכתובת שעל חזית הקבר של בני-חזיר בנחל קדרון וזו לשון הכתובת:

> זה קבר והנפש שלאלעזר חניה יועזר יהודה שמעון יוחנן בני יוסף בן עובד יוסף ואלעזר בני חניה כהנים מבני חזיר.

דהיינו, הקבר והנפש הם שני דברים נפרדים זה מזה ועומדים זה בצד זה. ואכן הדעה הרווחת היא, שמצבת הזיכרון המכונה „קבר זכריה," העומדת בריחוק 12–15 מטרים דרומה לחזית קבר בני חזיר, שימשה „נפש" לקבר בני חזיר.[97] דעה זו התגבשה לאחר שהתברר שאין פתח למצבת קבר זכריה, ואין בה חדר שיכול היה לשמש לצורך קבורה, ומכיוון שציון של קבר זקוק גם לגוף הקבר, ממילא זיווגו את „קבר זכריה" אל קבר בני חזיר העומד בקרבתו וקבעו שהמונומנט הנקרא „קבר זכריה" הוא ציונו-נפשו של קבר בני חזיר. אמנם הארכאולוג נ' אביגד חולק על דעה זו ולדעתו, מבנה הנפש צמוד לחזית הקבר של בני חזיר. משמאל לחזית העמודים חצובה חזית אחרת חלקה, מעל לחזית הנוספת הזאת עמדה לדעתו פירמידה והיא היתה הנפש של בני חזיר הנזכרת בכתובת החזית ואלו מצבת קבר זכריה שימשה כנפש למערת קבורה הסמוכה לה. הוא מבסס את דבריו על ציורי קיר בקברות מצריים המצרפים חזית עמודים של קבר עם פירמידה לצידה.[98] אך גם לפי השערתו של נ' אביגד הנפש עמדה בסמוך לקבר ולא עליו.

בדברי התנאים מצוי הלשון „נפש" גם בהוראת קבר או בניין קבורה. כך למשל מובא בתוספתא אהלות פ"י, ה"ז (מהדורת צוקרמנדל עמ' 607): „בנה נפש על גבה הרי היא כקבר סתום ומטמאה מכל סביביה."

דהיינו, אם נבנתה הנפש מעל לארון קבורה הרי הנפש כולה נחשבת כקבר סתום ומטמאה מכל צדדיה. מדברים אלה עולה שהנפש שימשה כחדר שבו מונח ארון קבורה ולא כמבנה נוסף לחדר הקבורה. אף בממצאים הארכאולוגים ניתן לראות שרובן של כתובות הקבורה הנבטיות והתדמוריות שבאה בהן התיבה „נפש," חקוקות על גבי משקופים של פתחי כניסה לקברים. וראיה לדבר מכתובות אחרות, שכתוב בהן „קברא" או „כפרא" במקום „נפש."[99] מקור חשוב נוכל לעמוד על המושג „נפש," הן הכתובות התדמוריות שנתגלו

96 ראה: אביגד, מצבות, עמ' 68–69, ושם מציין הוא שלסוג זה אפשר שיש לצרף גם את קבר החשמונאים במודיעין, שעליו נאמר בספר חשמונאים א, יג, כח: „ויעמד שבע פירמידות אשה לעומת אחותה." הפשיטא מתרגמת: „שבע נפשן": מכאן ש„פירמידה" ו„נפש" היו למושגים נרדפים. וראה עוד, שם, עמ' 70, דוגמאות נוספות מתדמור, מדרום ערב, מצוער שבדרום ים המלח ועוד.

97 ראה: L.H.Vincent, *Une grande sépulture sacerdotale à Jérusalem: J.Chaine, Mémorial* (Lyon: Facultés Catholiques, 1950) 385–397; י' קוטשר, „הכתובות העבריות והארמיות בירושלים בימי הבית השני," מיכאל אבי יונה, עורך, ספר ירושלים (ירושלים: מוסד ביאליק; תל אביב: דביר, תשט"ז) עמ' 353–354.

98 ראה: אביגד, מצבות, עמ' 75–78; נ' אביגד, „ירושלים קברים סביב לה," בתוך ירושלים לדורותיה (ירושלים: החברה לחקירת ארץ ישראל ועתיקותיה, תשכ"ט) עמ' 52–58.

99 ראה: אביגד, מצבות, עמ' 71, ושם מביא הוא דוגמאות נוספות מכתובות תדמוריות ומכתובות יוניות מקבילות.

בכתובת זו כמה נתונים חשובים: הבחנה ברורה בין קבר לבין נפש, וראיה שעל קבר היו מעמידים גם יותר מנפש אחת, ומקום הנפשות היה מעל הקבר.[93] מבחינה ארכיטקטונית היו לנפשות צורות רבות, החל מלוח אבן וכלה בבניין מונומנטאלי. יש לשער שלא כל נפש היתה בנויה על קברה, אלא יש שהיו בונים את הנפש בסמוך לקבר. מרמזים על כך הדברים שנאמרו בתוספתא עירובין פ״ד (מהדורת ליברמן עמ׳ 106):

> אילו שמתעברין עמה, נפש שהיא ארבע על ארבע . . . הגשר והקבר שיש בהן בית דירה . . . הרי אלו מתעברין עמה. ואילו שאין מתעברין עמה, נפש שנפרצה משתי רוחותיה אילך ואילך, הגשר והקבר שאין בהן בית דירה . . . אין אלו מתעברין עמה.[94]

כלומר, נפש שיש בה שטח של ארבע על ארבע, וכן גשר וקבר שיש בהן בית דירה נכללים הם בגבולות העיר ונחשבים כעיבורה של העיר לעניין מדידת אלפיים אמה של תחום שבת. אך אם הנפש פרוצה משתי רוחותיה ועל-כן אינה ראויה לדיור, וכן גשר וקבר שאין בהם בית דירה, אינם מצטרפים לשטחה של העיר. מדברי התוספתא עולה שבניין הנפש ובית הדירה בקבר הם שני דברים נפרדים, על-כן הובאו בתוספתא כשתי אפשרויות שונות שיכולות להכלל בגבולות העיר. רמז נוסף יש בדברים שנאמרו בתוספתא עירובין פ״ז (מהדורת ליברמן עמ׳ 130): ״גשרים ונפשות ורשות הרבים המקורה, מטלטלין תחתיהן בשבת דברי ר׳ יהודה . . .״

דהיינו, לדעת ר׳ יהודה, מותר לטלטל בשבת מתחת לגשר ומתחת לבנין הנפש, מפני שפי תקרה יורד וסותם והדבר נחשב לרשות היחיד. מדברים אלה עולה שבנין הנפש עומד בפני עצמו ומתחתיו יש שטח פנוי ולא קבר. וכן מרמזים על כך הדברים שנאמרו בתוספתא אהלות פ״י, ה״ז (מהדורת צוקרמנדל עמ׳ 607):

> היתה בנויה בכותלה של הנפש, אם היתה נראית כל שהיא לתוך הנפש הנכנס לתוכה טמא, ואם לאו אינו טמא אלא כנגד כיסויה בלבד.

כלומר, ארון קבורה שחלקו נבנה בתוך כותל בנין הנפש, אם מקצת הארון מונח בתוך חלל הנפש, בנין הנפש נחשב לאוהל המת והנכנס לתוכו – טמא. ואם הארון אינו חודר לתוך חלל הנפש, אלא רק לתוך כותלה, הנכנס לבנין הנפש, או הנוגע בכותלו שלא כנגד מקום כיסוי הארון – טהור. המציאות שעולה מהלכה זו שבנין הנפש נבנה בצידי חדרי הקבורה ולא מעליהם. באופן דומה יש למצוא רמז לכך בדברי התוספתא שם פ״יז, ה״ד (מהדורת צוקרמנדל עמ׳ 615): ״חזקת נפשות שבארץ ישראל טהורות חוץ מן המצוינות בלבד.״

דהיינו, בתי הנפשות בארץ ישראל טהורות ״דעבידין לנוח שם ולא לקבור לתוכן;״[95] אך אם ציינו – סמנו אותם כמקום קבורה – טמאים. מכאן שהנפש היא בנין בפני עצמו שאין בו קבר. אף בסוג זה של נפש הבנויה בסמוך לקבר ולא מעליו ניתן להסתייע בארכיאולוגיה. בפטרה נמצאה שורה של שמונה ״נפשתא״ ניצבות זו בצד זו לפני כניסה למערת קברים אחת. כלומר, כל נפש היתה מיועדת לאחד הנפטרים שנקבר בתוך קבר המשפחה. וכן נמצאו

93 ראה: נ׳ אביגד, מצבות קדומות בנחל קדרון (ירושלים: מוסד ביאליק, תשי״ד) עמ׳ 67.

94 וכן במשנה עירובין פ״ד, מ״א, נאמר: ״וגשרים ונפשות שיש בהן בית דירה.״ ורש״י בערובין נה, ע״ב, ד״ה: ״נפש״ ביאר שנפש ״סתמא לדירת שומר הקבר עביד הלכך אע״ג דלא דייר ביה בית דירה הוא.״ וכן פירש בתוספות שם.

95 דברי הר״ש בפירושו למשנה אהלות פי״ז, מ״ג.

עצמן שעליהן חקוקות הכתובות. כל אלה מצטרפים יפה כדי הבהרת המושגים, אלא שמרוב שימוש ניטשטשה ההבחנה בין „נפש" ל„נפש" עוד בימים ההם, ואין הוראתה במצבה זו כהוראתה במצבה זו. ניתן לומר שלמושג „נפש" שתי משמעויות עיקריות: א. ציון על קבר או מצבת זיכרון (אסטילה); ב. מקום קבורה, בניין קבורה או מאבסוליאום; ולעיתים יש להבינו כפשוטו: נפש הנפטר, כלומר, נשמת המת. מנהג הצבת ציון על קבר ידוע עוד מתקופת המקרא:

ויאמר מה הציון הלז אשר אני רואה ויאמרו אליו אנשי העיר הקבר איש האלהים אשר בא מיהודה (מלכים ב כד, יז).

וכן: „וראה עצם אדם ובנה אצלו ציון" (יחזקאל לט, טו). אבל לשון „נפש" בהוראה דומה לציון אינה מצויה במקרא, והיא מצויה בספרות חז"ל. בלשון חכמים הוראתה של „נפש" היא ציון על קבר ולכך מכוונים כנראה דבריו של רבי נתן במשנה ש„בונין לו נפש על קברו." וכן ביאר בעל הערוך (מהדורת קאהוט, חלק חמישי, עמ' שע) בעקבות הגאונים שהביטוי נפש הוא ציון שבמקרא.[92] הנפש כציון על הקבר נעשתה באופנים שונים ובצורות שונות ויש לכך ביטוי בדברי התנאים ובממצאים הארכאולוגים. במסכת שקלים פ"ז, מ"א נאמר:

נפש אטומה, הנוגע בה מן הצדדין – טהור, מפני שטמאה בוקעת ועולה, בוקעת ויורדת. אם היה מקום הטמאה טפח על טפח על רום טפח, הנוגע בה מכל מקום – טמא, מפני שהיא כקבר סתום.

כלומר, נפש הבנויה על קבר אטום, שאין במקום הטומאה חלל טפח על טפח על רום טפח, אינה מטמאה אלא כנגדה בלבד, אבל לא בצדדים כדין טומאה רצוצה. אך אם היה במקום הטומאה חלל של טפח על טפח על רום טפח, הנוגע בה מכל מקום אפילו מן הצדדים – טמא, מפני שהיא כקבר סתום שמטמא כל סביביו. מכאן נלמד על הנפש שהיתה מבנה שנבנה מעל הקבר, ועיקר שימושו זיכרון לנפטר. הארכיאולוגיה מסייעת לנו בעניין זה וכך למשל בכתובת נבטית, שנמצאה במידבא אשר במואב (משנת 37 לסה"נ) כתוב בזה הלשון:

דא מקברתא ותרתי נפשתא די עלה מנה די עבד עבד עבדת אסתרגא ואיתיבל אסתרגא אגוהי. (זה הקבר ושתי הנפשות שמעליו שעשה וגו').

אף לדעת בעל מתנות כהונה, דברי המדרש: „למדנו שנקראו ישראל על שם רחל" באים לבאר זאת, אך באופן שונה לחלוטין:

ונראה שזהו המצבה שהציב יעקב על קברה, כלומר זכרון עולם שנקראו ישראל על שמה.

לדעתו, יעקב לא הציב „נפש" ממש על קברה של רחל, משום שאין עושין כן לצדיקים כדברי רשב"ג, אלא הציב מצבה לזכרון עולם בכך שישראל נקראו על שמה, וכן באר באופן דומה בעל ידי משה:

הציבו לי ציונים והוציאו זה מדכתיב היא קבורת רחל עד היום הזה דייק שלא היה ציון ממש, אלא שם ישראל הוא ציון וק"ל.

ובמהדורת טהעדר-אלבק השמיט את דברי ר' נתן ודברי רשב"ג, וכן את המשך דברי המדרש: „למדנו שנקראו ישראל" וכו'. וגרס רק את סוף המדרש: „מה ראה יעקב אבינו" וכו'. וראה בהערת המהדיר שדברים אלה הם הוספה מאוחרת ומשובשת.

92 וראה בדברי התוספות בעירובין נג, ע"א, ד"ה: „וגשרים ונפשות."

הרמב״ם הוסיף על דברי התלמוד: ״ובוכין ומתחננים שם״ אך הדגיש שהבכיה והתחינה בבית הקברות נועדו להמחיש שעצירת הגשמים מביאה מוות לעולם, ולא הזכיר כלל שמטרתם לעורר את המתים שיבקשו רחמים על החיים. כמו כן כבר דייקו מספר ראשונים[89] מדברי הרמב״ם: ״אחר שמתפללין יוצאין כל העם לבית הקברות״ שבבית הקברות עצמו לא התפללו, אלא רק בכו והתחננו, ואילו התפילה נערכה לפני כן בבית הכנסת או ברחובה של עיר. ברור הדבר שלדעת הרמב״ם התפילה לא נערכה בבית הקברות מחמת שהמקום אינו טהור, ולא כפי שהעיר רבנו יום טוב ב״ר אברהם אלאשבילי (לעיל) שהדבר נאסר משום ״לועג לרש״.

תפישתו של הרמב״ם שאין לערוך תפילה בבית הקברות מחמת שהמקום אינו טהור, וכן שאין לפנות אל המתים כדי שיבקשו רחמים בעת צרה, כי אינם חשים בצער החיים משתלבת עם הוראת הירושלמי ובעקבותיו הרמב״ם שאין להקים מצבה מפוארת על קברו של צדיק, כי אין להפוך את קברו למוקד של עליה לרגל, אלא זכרונו הוא בכך שיעסקו בדברי תורתו. וכן משתלבת עם עמדתו של הרמב״ם שאין לבקר כלל בבית הקברות, ועל כך להלן.

״אין עושין נפשות לצדיקים״
באור דברי רבן שמעון בן גמליאל

הרמב״ם אף אימץ את עמדתו של רבן שמעון בן גמליאל, נשיא אושה, המובאת בירושלמי שאין להקים בית נפש על קברי צדיקים. במסכת שקלים ב, ה, נאמר:

> מותר המתים – למתים. מותר המת – ליורשין. רבי מאיר אומר: מותר המת יהא מונח עד שיבוא אליהו. רבי נתן אומר: מותר המת בונין לו נפש על קבר.[90]

כלומר, אם גבו מעות לצורך קבורת מת ונותרו מהן, לדעת רבי נתן, בונים לו בכסף הנותר נפש על קברו. ועל כך מובא בירושלמי שקלים פ״ב, ה״ה:

> רבן שמעון בן גמליאל אומר: אין עושין נפשות לצדיקים דבריהם הן הן זכרונן.[91]

על מנת להבין את דברי רבן שמעון בן גמליאל עלינו לברר תחילה את המושג ״נפש״ בידינו נתונים רבים שעל פיהם אנו יכולים לעמוד על הוראת המושג ״נפש״ בעניני קבורה. המקורות העומדים לרשותנו להבנת המושג הם: ספרות חז״ל; החומר האפיגרפי הרב שנתגלה בעיקר בכתובות הנבטיות והתדמוריות, לעיתים גם בתרגום יווני מקביל; והמצבות

89 ראה לעיל הערה 75.

90 בבלי סנהדרין מח, ע״א הגירסה היא: ״ר׳ נתן אומר יעשנו דימוס על קברו״ ובבראשית רבה פב, י הדבר מובא על הפסוק ״ויצב יעקב מצבה״ בגירסה שונה: ״ר׳ נתן אמר מותר המת יבנה לו בית על גבי קברו״.

91 וכן מובא בבראשית רבה שם (על הפסוק ״ויצב יעקב מצבה״): ״תני ר׳ שמעון בן גמליאל איו עושין נפשות לצדיקים דבריהם הן זכרונם״ מפרשי המדרש השונים מתלבטים בשאלה מדוע נזכרו דברי רשב״ג במדרש זה. בעל יפה תואר, מבאר ש״עיקרי הדברים הובאו הנה להקשות למה בנה יעקב לרחל מצבה הלא אין עושין נפשות לצדיקים משום שדבריהם ומעשיהם הטובים הם זכרונם ומי לנו גדול במעשים יותר מרחל?״ לדעת בעל יפה תואר, דברי המדרש בהמשך: ״למדנו שנקראו ישראל על שם רחל שנאמר ,הבן יקיר לי אפרים;״ מטרתם לתרץ שאלה זו ש״משום כבוד שם ישראל ראויה היא להציב לה מצבה לכבוד ולתפארת מלבד מעשיה הטובים המזכירים את שמה״ לדעתו אף דברי המדרש בהמשך מתבארים כתירוץ לשאלה זו:

> מה ראה אבינו יעקב לקבור את רחל בדרך אפרת, אלא צפה יעקב אבינו שהגלויות עתידות לעבור שם לפיכך קברה שם כדי שתהא מבקשת עליהם רחמים.

לדעת ר' חייא, שהיה במקורו חכם בבלי,[83] המתים יודעים ומודעים למעשי החיים בעולם הזה, כי הצדיקים במיתתן קרויין חיים.[84] ר' חייא הבבלי ור' יונתן הארץ-ישראלי, נחלקו אם המתים יודעים מה נעשה לחיים, שלדעתו של ר' יונתן הטעם ליציאה לבית הקברות בעת בצורת – „כדי שיבקשו עלינו מתים רחמים" אינו יכול להאמר, כי המתים אינם חשים בצערם של החיים, ובכך משתווה הוא לר' לוי הארץ-ישראלי שלא קיבל טעם זה, אלא קבע שהיציאה לבית הקברות נועדה להמחיש את הגורל האיום הצפוי לחיים אם תימשך הבצורת. לעומת זאת לדעתו של ר' חייא שהצדיקים אפילו במיתתן קרויין חיים יש לצאת לבית הקברות בעת עצירת גשמים, כדי שהמתים יחושו בצערם של החיים ויבקשו עליהם רחמים כדעתו של ר' חנינא הבבלי.[85] ואכן בנוסח שבעין יעקב,[86] סוטה סוף פרק ראשון, מנמק ר' חמא בר' חנינא[87] את ההשתטחות על קברו של צדיק, כדי שיבקש רחמים על החיים, בטענה „שחביבין צדיקים במיתתן יותר מבחייהם" כך נאמר שם:

> שמא יבואו לקבורתו של משה באותה שעה, ויעמדו בבכיה ויתחננו למשה ויאמרו לו: משה רבנו עמוד בתפילה בעדנו ועומד משה ומבטל את הגזרה, מפני שחביבין צדיקים במיתתן יותר מבחייהם.

הרמב"ם הלך בדרכו של הירושלמי והביא להלכה רק דעה אחת. כך פסק בהלכות תענית פ"ד, הי"ח:

> אחר שמתפללין יוצאין כל העם לבית הקברות ובוכין ומתחננים שם, כלומר הרי אתם מתים כאלו, אם לא תשובו מדרכיכם.[88]

דאמר רבי שמואל בר נחמני אמר ר' יונתן מנין למתים שמספרים זה עם זה, שנאמר: „ויאמר ה' אליו זאת הארץ אשר נשבעתי לאברהם ליצחק וליעקב לאמור." מאי לאמור? אמר הקדוש ברוך הוא למשה לך אמור להם לאברהם ליצחק וליעקב שבועה שנשבעתי כבר קיימתיה לבניכם, ואי ס"ד דלא ידעי כי אמר להו מאי הוי, אלא מאי דידעי, למה לי למימר להו, לאחזוקי ליה טיבותא למשה.

וכן מסופר בבבלי ברכות שם על ויכוח שהתנהל בין בניו של ר' חייא האם אביהם חש בצער שנגרם להם מחמת שכחת תלמודם. ואחד מן הבנים הביא ראיות ממספר מקרים שהמתים יודעים מה נעשה בין החיים, ואילו הבן השני דחה אותן.

83 ראה על כך בהרחבה: א' היימאן, תולדות תנאים ואמוראים, עמ' 424–426.

84 דברים אלה כתב כבר פילון האלכסנדרוני בסוף ספרו על יוסף:

> אני (יוסף) עשיתי חסד עמכם בחיי אבי ואוסיף לעשות כן אחר מיתתו, כי לדעתי אין צדיק מת אלא חי לעולם מבלי שיזקין . . . שנשמתו חפשית מחבלי הגוף.

פילון מדגיש את החיים הנצחיים של הנשמה, ור' חייא ור' חנינא נקטו להיפך שהצדיקים ישני עפר קשורים עוד עם עולם ההפסד שיודעים מה נעשה בו, ויתכן שדעתו של ר' יונתן קרובה לדעת פילון שהצדיקים המתים חיים חיי רוח ואין להם שום מגע עם עולם הגופות. ראה: גינצבורג, פירושים וחידושים בירושלמי, חלק ראשון, עמ' 303.

85 ראה: גינצבורג, פירושים וחידושים בירושלמי, חלק ראשון, עמ' 302.

86 נוסח זה לא נמצא בכתבי היד ובדפוסים השונים של בבלי סוטה. נראה שבעל „עין יעקב" הביא זאת על סמך הנוסח שהיה בידי חכמי ספרד. נוסח זה מובא גם במנורת המאור לר' ישראל בן יוסף בן אלנקאוה, שם, עמ' 304–305. ובהערת המהדיר שם, כתב שבעל מנורת המאור לקח קטע זה ממדרש או שהוסיפו מדעתו. ראה עוד מסכת סוטה [בבלי] עם שנויי נוסחאות, בתוך א' ליס, עורך, כתבי היד של התלמוד (ירושלים: יד הרב הרצוג, תשל"ד) עמ' רי, הערה 26.

87 ראה לעיל, סוף הערה 78.

88 וכן נפסק בעץ חיים, הלכות תענית (מהדורת ברודי, עמ' שעה); טור או"ח, סי' תקעט; שלחן ערוך, או"ח, סי' תקעט, ס"ג.

חכמי ארץ ישראל ואף הוזכר בצוואתו של ר׳ יהודה הנשיא, אך במקורו היה חכם בבלי וכשבא לארץ ישראל הביא תורתו בידו.[78] יש להניח שדעתו בעניין מטרת היציאה לבית הקברות היא מסורת בבלית.[79] ויכוח דומה בין חכם בבלי לבין חכם ארץ ישראלי מצינו בבבלי ברכות יח, ע״א–ע״ב. לאחר שר׳ חייא ביקש מר׳ יונתן להסיר או להגביה[80] את ציצתו, כדי שלא תגרר על-גבי הקברים, כי יש בכך פגיעה וזלזול במתים, ובלשונו של ר׳ חייא: ״כדי שלא יאמרו למחר באין אצלנו ועכשיו מחרפין אותנו״ השיב לו ר׳ יונתן: ״ומי ידעי כולי האי והא כתיב: ׳והמתים אינם יודעים מאומה׳״ (קהלת ט).

באופן דומה מצינו בירושלמי ברכות פ״ב, ה״ג. לאחר שר׳ חייא געֵר בר׳ יונתן על שפסע על-גבי הקבר בטענה שעכשיו יאמרו המתים למחר הם באים אצלנו והן מצערין לנו, השיב לו ר׳ יונתן: ״וחכמין אינון כלום לא כן כתב ׳והמתים אינם יודעים מאומה׳״ (קהלת ט).

לדעת ר׳ יונתן הארץ-ישראלי (תלמידו של ר׳ שמעון בר יוסי בר לקוניא)[81] המתים אינם יודעים ואינם מודעים למעשי החיים בעולם-הזה, ועל-כן אין לחוש לפגיעה בהם ע״י גרירת ציצית, או פסיעה על גבי קבריהם, אך ר׳ חייא טען כנגדו בבבלי שם:

> אם קרית לא שנית, אם שנית לא שלשת, אם שלשת לא פירשו לך – ״כי החיים יודעים שימותו״ (קהלת ט) – אלו צדיקים שבמיתתן נקראו חיים, שנאמר: ״ובניהו בן יהוידע בן איש חי רב פעלים מקבצאל הוא הכה את שני אריאל מואב והוא ירד והכה את הארי בתוך הבור ביום השלג״ (שמואל ב, כג). ״בן איש חי,״ אטו כולי עלמא בני מתי נינהו אלא בן איש חי שאפילו במיתתו קרוי חי.

וכן מצינו טענה זו של ר׳ חייא בירושלמי, שם:

> לקרות את יודע לדרוש אין את יודע, ״כי החיים יודעים שימותו״ (קהלת ט) – אלו הצדיקים שאפילו במיתתן קרויין חיים . . . ומנין שהצדיקים אפילו במיתתן קרויין חיים, דכתיב: ״ויאמר אליו זאת הארץ אשר נשבעתי לאברהם ליצחק וליעקב לאמור״ (דברים לד) – מה ת״ל לאמור? אמר לו: לך ואמור לאבות כל מה שהתניתי לכם עשיתי לבניכם אחריכם.[82]

78 כך עולה מדברי הירושלמי פאה פ״ז, ה״ד:

> אמר ר׳ חנינא כד סלקת להכא נסיבית איזורו ואיזוריה דברי, ואיזוריה דחמרי מקפא בירתא דחרובתיה דארעא דישראל ולא מטון.

(אמר ר׳ חנינא כאשר עליתי מבבל לארץ ישראל, לקחתי את אזורי ואזורו של בני ואזורו של חמרי, כדי להקיף גזעו של חרוב של ארץ ישראל ולא הגענו). וכן עולה מדברי הבבלי כתובות קיב, ע״א: ״כי הוה סליק לא״י . . . רב חנינא מתקן מתקליה.״ (כשר׳ חנינא עלה לארץ ישראל ״משוה ומתקן מכשולי העיר מחמת חיבת הארץ שהיתה חביבה עליו ומחזר שלא יצא שם רע על הדרכים״ [ע״פ רש״י שם]). ראה: א׳ היימאן, תולדות תנאים ואמוראים (ירושלים: הוצאת קריה נאמנה, תשכ״ד) עמ׳ 484–485. אף לפי גירסת הכת״י: ״ר׳ חמא בר חנינא״ (ראה לעיל הערה 68), יש להניח שר׳ חמא שעלה עם אביו ר׳ חנינא מבבל ספג מתורתו של אביו.

79 ראה: גינצבורג, פירושים וחידושים בירושלמי, חלק ראשון, עמ׳ 302; ז׳ ספראי, ״קברי צדיקים ומקומות קדושים במסורת היהודית,״ אלי שילר, עורך, ספר וילנאי, חלק ב (ירושלים: הוצאת ספרים אריאל, תשמ״ז) עמ׳ 304.

80 ראה לעיל הערה 24.

81 על פי ירושלמי ברכות פ״ב, ה״ג. ראה: גינצבורג, פירושים וחידושים בירושלמי, חלק ראשון, עמ׳ 301–302. וראה עוד לעיל הערה 32.

82 וכן מובא בקהלת רבה פ״ט, ה. אך בבבלי שם מובא שאף ר׳ יונתן חזר בו מכוח דרשה זו:

ודבר פשוט הוא שאין יציאתם לבית הקברות להתפלל שם שאסור להתפלל בבית הקברות משום לועג לרש, וכ"ש שאסור בקברי עכו"ם, וברחוב הוא שמתפללין כדאיתא במגילה (כו, ע"א) בפרק בני העיר, אלא להכניע ליבם שהם חשובים כמתים, או כדי שיבקשו המתים עליהם רחמים היו יוצאין שם אחר שהתפללו.[75]

כלומר, התפילה נאמרה בבית הכנסת או ברחוב לפני היציאה לבית הקברות, אך עצם היציאה לבית הקברות וההיראות לפני הקברים הביאה את המתים לבקש רחמים על החיים הסובלים מהבצורת. בירושלמי תענית פ"ב, ה"א, מובאת רק דעה אחת בלבד והיא:

א"ר לוי: ולמה יוצאין בין הקברות? לומר: חשבינו כאילו מתים לפניך. א"ר תנחומה: וכולהן בה; אם מיתה אנו חייבין – הרי מתים, אם גלות – הרי גולין, אם רעבון – הרי רעבים.[76]

ר' תנחומא מבהיר ומרחיב בדבריו את המשמעות הסמלית שישנה ביציאה לבית הקברות. יציאה זו באה להמחיש את מגוון הצרות הבאות על הציבור בעקבות הבצורת.[77] מטרת היציאה לבית הקברות מוצגת בתלמוד הבבלי כמחלוקת בין ר' לוי בר חמא לבין ר' חנינא, מהמקבילה המובאת בתלמוד הירושלמי עולה שר' לוי הוא בעל הדעה הסוברת שהיציאה לבית הקברות היא מעשה סמלי ולא פניה למתים שיבקשו עלינו רחמים, ממילא ניתן ללמוד מכך שר' חנינא הוא בעל הדעה הסוברת שיוצאים לבית הקברות, כדי לעורר את המתים שיבקשו עלינו רחמים. ר' חנינא חי בארץ ישראל במאה השלישית לסה"נ ולמד תורה מפי

שאלה ג' אם תפילת הנוצרי נשמעת כתפילת היהודי או לא?

תשובה ודאי נשמעת, שכן אנו אומרים: „כי אתה שומע תפילת כל פה," ואומר: „וגם אל הנכרי" וגו'.

אמר המלך ואיך אתם סותרים את עצמכם? כי תלמוד שלכם אומר שבזמן עצירת גשם ילכו להתפלל על הקברות. ואמר שם: „אבל לא על קברי גויים," שאם הם לא הצילו עצמם – איך יושיעו אחרים?

תשובה ח"ו, אבל הטעם הוא מפני שהגויים מסיבת שנאתם לא יבקשו עלינו רחמים.

אמר המלך יביאו התלמוד! ונמצא ברש"י כמו שאמר המלך וכעס מאוד. חזר החכם לתקן

ואמר אולי על הגשם נאמר שיש לנו בו סגולה, שנאמר „ונתתי גשמיכם" ולא אמר: „ונתתי גשם."

וראה עוד: ר' אברהם סבע, צרור המור (וינציאה ש"ו, עמ' קד, ע"ב – קה, ע"א).

75 וכן כתב הר"ן על הרי"ף, תענית שם, ה, ע"ב, ודייק זאת מדברי הרמב"ם (ראה לקמן). ובשיטה לבעל הצרורות על מסכת תענית (מהדורת ש' גרינבוים; תל אביב, תשכ"ט) עמ' 60, כתב: „אבל התפילה בבי כנישתא הוה."

76 ובמגורת המאור לר, ישראל בן יוסף בן אלנקאוה (מהדורת ענעלאו; חלק ב, ניו יורק, תר"ץ) עמ' 305, מובא:

ר' תנחומא אומר: והן אומרים אם גלות אנו חייבים – הרי גלינו, ואם רעבון אנו חייבין – הרי צמנו ואנו רעבים, ואם מיתה אנו חייבין – הרי אנו כמתים. ויש אומרים: אם הריגה אנו חייבים – הרי צמנו ואנו רעבים, ואם מיתה אנו חייבין – הרי אנו כמתים. ויש אומרים: אם הריגה אנו חייבים – הרי אברהם אבינו ע"ה ששפך דמו במילה ומסר עצמו למיתה, ואם שריפה אנו חייבים – הרי יצחק אבינו ע"ה שמסור עצמו לשריפה, ואם גלות אנו חייבים – הרי יעקב אבינו ע"ה שגלה כמה גלויות.

77 ראה: ד' שפרבר, מנהגי ישראל, חלק ג (ירושלים: מוסד הרב קוק, תשנ"ד) עמ' קיח-קיט.

לאבות כשהקב״ה זוכר בריתם לבניהם אחריהם. אמנם החכם החולק על זה אפשר שדעתו הוא שאין לנו לבקש מן המתים שיבקשו רחמים על החיים, שהרי לא מצינו בכל המקרא בכמה צרות שאירעו לישראל ליחידים ורבים שיבקשו מן המתים לבקש רחמים עליהם. ואם הדבר כן בודאי היה נמצא בהרבה מקומות עניין זה. וזכירת ברית אבות לבנים הוא אפשר שהם יודעים ומצטערים בצערם ושמחים בשמחתם. אך אין עליהם לבקש רחמים על זה, כי הכל תלוי בזכות שעשו בחייהם, אם זכותם כדאי להגין עליהם מוטב, ואם לאו – לאו. אך אין אחר הקבר תפילה ותחינה לא על עצמו ולא על בניו הנשארים. אבל הוא על דרך שכתבנו במקום אחר (ע״ז ג׳, ע״א) מי שטרח בערב שבת יאכל בשבת, מי שלא טרח בערב שבת מה יאכל בשבת.[72]

רבנו מאיר ב״ר שמעון המעילי מנרבונה מבאר את המחלוקת בעניין טעם היציאה לבית קברות בעת עצירת גשמים כויכוח עקרוני; האם יש מקום לפנות אל המתים שיבקשו עלינו רחמים. לפי דעה אחת יוצאים לבית הקברות, כדי לעורר את המתים שיבקשו עלינו רחמים, כי הצדיקים במיתתן נקראו חיים, ועל כן יודעים ומצטערים הם בצער בניהם החיים ומבקשים עליהם רחמים, ודבר זה נכלל בהבטחת הקב״ה „וזכרתי את בריתי יעקב״ וגו׳ שהאבות לאחר מותם חשים ומצטערים בצערם של בניהם החיים, והקב״ה זוכר את בריתו לאבות ומתחשב בצערם כדי להיטיב לבניהם אחריהם. לפי הדעה השניה אין לפנות אל המתים שיבקשו רחמים על החיים, שהרי לא מצינו בכל ספרי המקרא שבעת מצוקה וצרה פנו אל המתים שיבקשו רחמים על יחידים, או על ציבור שלם. יש להניח שאם נכון לעשות כן ויש בכך תועלת, הדבר היה מוצא את ביטויו בספרי המקרא. לפי דעה זו אדם נדון ובקשותיו נענות על פי זכויותיו ומעשיו הטובים שצבר בחייו בבחינת „מי שטרח בערב שבת יאכל בשבת.״ לאחר מותו של האדם הוא אינו יכול להועיל לעצמו או לבניו החיים ע״י תפילה ותחינה, בבחינת „מי שלא טרח בערב שבת מהיכן יאכל בשבת.״ על-כן היציאה לבית הקברות היא מעשה סמלי הבא לבטא ולהמחיש שעצירת גשמים מביאה מוות לעולם כמתים הקבורים בבית הקברות, ולא כדי לעורר את המתים שיבקשו רחמים על החיים הסובלים מהבצורת.

הגמרא מדגישה את ההבדל בין שתי הדעות. לפי הדעה הסוברת שהיציאה לבית קברות היא מעשה סמלי, ניתן לצאת אף לבית קברות של גויים. ולדעת רבנו יום טוב ב״ר אברהם אלאשבילי בחידושיו שם, עדיף לפי דעה זו לצאת לבית קברות של גויים כדי „לומר הרי אנו חשובים כמתים הללו, דאלו קברי ישראל חיים הם חשובים״[73] ואילו לפי הדעה הסוברת שיוצאים לבית הקברות, כדי לעורר את המתים שיבקשו עלינו רחמים, הרי שדבר זה יעשה רק בין קברי יהודים ואין הולכים לקברי גויים, כי אפילו על עצמם אינם יכולים לבקש, כל שכן עלינו.[74] הדבר לא נאמר במפורש בגמרא, אך מאליו יובן, כי בעת שהמתים מבקשים רחמים, הפניה לקברי צדיקים קודמת. יש להדגיש שפניה זו לקברי צדיקים אינה מלווה בהכרח בתפילה בבית הקברות, שהרי מה שנאמר בגמרא הוא שיוצאין לבית הקברות ואילו תפילה לא נזכרה שם, אלא לפני כן בבית הכנסת וב„רחובה של עיר.״ וכפי שהעיר על כך רבנו יום טוב ב״ר אברהם אלאשבילי בחידושיו, שם:

72 דבריו מובאים גם בספר המאורות למסכת ברכות (מהדורת בלוי; ניו יורק, תשכ״ה) עמ׳ קפ-קפא.

73 וכן מובא בנימוקי יוסף, שם.

74 ראה ברש״י שם, ד״ה: „קברי נכרים״ וכן מובא בנימוקי יוסף, שם, עמ׳ מג. ובשבט יהודה לר׳ שלמה ן׳ וירגה (מהדורת בער; ירושלים: מוסד ביאליק, תש״ז) עמ׳ קמג, מובא דו-שיח בין החכם דון יוסף בן יחייא לבין המלך דון אלפונסו מפורטוגל בעניין זה:

מצינו בעניין היציאה לבית קברות בעת תענית גשמים לפי עמדתם של חכמי ארץ ישראל ושיטתו של הרמב"ם, ועל כך להלן.

יציאה לבית קברות בעת תענית גשמים

העדפתו של הרמב"ם את דברי חכמי ארץ ישראל, באה לידי ביטוי אף בעניין היציאה לבית קברות בעת תענית גשמים. כדי להבין את דבריו עלינו לדון תחילה בדברי התלמוד. יציאתם של רבים לבית הקברות בזמן תענית גשמים נזכרת בבבלי תענית טז, ע"א:

> למה יוצאין לבית הקברות? פליגי בה ר' לוי בר חמא[66] ורב חנינא.[67] חד אמר: הרי אנו חשובין לפניך כמתים. וחד אמר: כדי שיבקשו עלינו מתים רחמים.[68] מאי בינייהו? איכא בינייהו קברי עכו"ם.[69]

היציאה לבית-הקברות בזמן תענית גשמים לא הוזכרה במשנה ואף לא בברייתא, אלא שנהגו לעשות כן, וכפי שהעיר על-כך רבנו יום טוב ב"ר אברהם אלאשבילי בחידושיו למסכת תענית, שם (מהדורת א' ליכטנשטיין, עמ' קלח):

> לא מצינו זה בשום מקום שאומר זה לא במשנה ולא בברייתא, אלא שהם היו נוהגין כן.[70]

מטרת היציאה לבית הקברות נתונה במחלוקת בין שני חכמים. לפי הדעה הראשונה היציאה לבית הקברות היא מעשה סמלי הבא לבטא את הרעיון שעצירת גשמים מביאה שואה לעולם – "הרי אנו חשובין לפניך כמתים" ואילו לפי הדעה השניה יוצאים לבית הקברות, כדי לעורר את המתים שיבקשו עלינו רחמים. צדדי מחלוקת זו נתבארו בפירושו של רבנו מאיר ב"ר שמעון המעילי מנרבונה[71] בספר המאורות, מסכת תענית (מהדורת מ"י הכהן בלוי; ניו יורק, תשכ"ז, עמ' רצא-רצב):

> ולמה יוצאין לבית הקברות, לומר הרי אנו חשובין לפניך כמתים. ואיכא מאן דאמר כדי שיבקשו המתים עלינו רחמים . . . וסברא זו היא לפי שכבר אמרו (ברכות יח, ע"א) שהצדיקים אפילו במיתתן קרויין חיים, וכיון שכן יש לומר שהן יודעין ומצטערין בצער החיים כשחוזרין למוטב. וכן נראה ממה שכתוב וזכרתי את בריתי יעקב וגו'; שאם האבות אחר שמתו לא ירגישו כלל בצער הבנים הנשארים, מה תועלת ויתרון

66 ובכת"י גרסו: "ר' לוי בר' לחמא" (ראה במהדורת מלטער; ניו יורק, תר"צ) עמ' 57.

67 ובכת"י גרסו: "ר' חמא בר חנינא" (ראה במהדורת מלטער, שם).

68 ובכת"י גרסו: "מתים רחמים עלינו" ויש שגרסו: "מתים עלינו רחמים" (ראה במהדורת מלטער, שם).

69 ובכת"י גרסו: "גויים" גירסת הדפוס היא שינוי הצנזור (ראה במהדורת מלטער, שם).

70 וכן כתב ר"ן על הרי"ף תענית, פרק שני (ה; ע"ב מדפי הרי"ף). הריטב"א והר"ן הביאו לכך דוגמה נוספת מבבלי ראש השנה טז, ע"א: "א"ר אבהו למה תוקעין בשופר של איל?" והרי לא נאמר במשנה או בברייתא שצריך לתקוע בשופר של איל, אלא שמנהגם היה לתקוע בשופר של איל, על כן שאלו למה נהגו כן. וראה עוד בחידושי הריטב"א מסכת ראש השנה, שם (מהדורת א' ליכטנשטיין, עמ' קכז-קכח). ואילו רש"י באר בתענית שם, ד"ה: "ולמה מתכסין": "תנינן בירושלמי שהיו חוגרות שקין ויוצאין לבית הקברות ותוקעין בקרנות." וראה עוד בנימוקי יוסף, מסכת תענית שם (מהדורת א' ליכטנשטיין, עמ' מב).

71 רבו של ר' מנוח מנרבונה וחברו של הרמב"ן קיבל את רוב חכמתו מדודו ר' משולם בעל ההשלמה. פירוש המאורות יצא בעקבות האלפסי ובשיטה מקובצת כינה אותו בשם פירוש הרב המעילי על ההלכות. המעילי כתב גם ספר דרשות לפסח, ר"ה וסוכות, ופירוש על פרשיות התורה.

„לא חלק על דברי הבבלי״ בלבד. כך למשל, כותב יצחק טברסקי בספרו מבוא למשנה תורה לרמב״ם (ירושלים: הוצאת ספרים ע״ש י״ל מאגנס, תשנ״א, עמ׳ 10): „הסתמכות הרמב״ם על הירושלמי במשנה תורה היא, שלא כרגיל, מקיפה ונועזת. על ידי שימוש זהיר ומשכנע במקורות, נעשו אצלו הלכות ירושלמיות בתחומים שונים – ובמיוחד בתחום המצוות התלויות בארץ שבסדר זרעים – שוות ערך להלכות שבבבלי. העובדה שהרמב״ם עסק בירושלמי כבר בשלב כה מוקדם של מפעלו התורני מעידה שהתעניינותו בתלמודם של בני ארץ ישראל קבועה היתה. היו לה גם השלכות מרחיקות לכת על חשיבתו ההלכתית. כל מי שעתיד לכתוב מחקר מקיף על פעלו של הרמב״ם בתחום ההלכה, יצטרך לתת את דעתו לזיהויים, לניתוחם ולסיכומם של המקורות ששאב הרמב״ם מן הירושלמי ולשיעור שילובם בפסקי ההלכה שלו.״ אין ספק שפסיקתו של הרמב״ם כדברי הירושלמי בעניין תפילה וחפצי קדושה בבית הקברות היא דוגמה בולטת ומעניינת להוכחת דבריו של י׳ טברסקי. מספר חוקרים עמדו על כך שהרמב״ם משנה בהנמקותיו ובביסוסיו לדיני התלמוד כמה שינויים, ואף הרשה לעצמו להשמיט פה ושם דינים ופרטי הלכות העומדים לדעתו על הנחות מדעיות לא נכונות, או שהבאתם בחיבורו הגדול היה נוגד את כוונתו להחכים גם את ההמון ולבער גם מפשוטי העם אמונות תפלות, שגם הם אין להם להחזיק בהן. וכפי שכתב באחת מתשובותיו (תשובות הרמב״ם, מהדורת בלאו, ירושלים תש״ך, סי׳ רנב, עמ׳ 461): „שכונתי בכל החיבור הזה להקריב הדינין אל השכל או אל דרך הרוב.״[65] לפי דברים אלו נראה שנוכל לשער מדוע הרמב״ם הלך בדרכו של הירושלמי בנושא שבו אנו דנים. הרמב״ם לא ראה בנימוק המובא בתלמוד בבלי להלכה שאין לקרוא קריאת שמע ולהתעטף בציצית סמוך לקבר כנימוק העשוי להתקבל על דעת הקוראים. טעם „לועג לרש״ הנזכר בבבלי קשה להולמו; מדוע אדם הקורא קריאת שמע או מתעטף בציצית פוגע במת? הרי דברים אלו כשלעצמם יש בהם משום מעשה של מצווה, ואדרבה שמא יש במעשים אלו משום כבוד למתים וכפי שנוהגים בדורות האחרונים להתפלל על קברו של המת לכבודו. אם נאמר שיש בכך פגיעה במת משום שהיא אינו יכול לקיים מצוות, או משום שהוא נפטר מהן וכפי שנאמר בבבלי שבת ל, ע״א: „במתים חופשי – כיון שמת אדם נעשה חופשי מן התורה ומן המצות.״ אם כן, מדוע אפוא לא נאסור לקיים מצוות בסמוך לחרש, שוטה וקטן שאף הם נפטרו מקיום מצוות, ולעיתים קרובות אין להם יכולת לקיימם? האם תחושתו, הרגשתו ורגישותו של המת חזקים יותר מאלו של חרש, שוטה וקטן? דומה שטעם „לועג לרש״ יש בו מעין טעם מאגי שהרמב״ם לא יכול לקבלו, על כן מעדיף הוא את דברי הירושלמי שאין לקרוא קריאת שמע או להניח תפילין סמוך למת מחמת ש„המקום אינו בחזקת טהרה.״ ראיית המת והקבר כדבר טמא המעוגנת בפסוקים מן התורה אינה ניתנת לחלוקה ואינה מבחינה בין קבר לקבר – בין קבר של עם הארץ לקבר של תלמיד חכם. על כן אין להתפלל כלל בבית הקברות ואין להכניס לשם חפצי קדושה ללא יוצא מן הכלל. זאת ועוד, נראה שדעתו של הרמב״ם שאין להתפלל בבית הקברות מחמת ש„המקום אינו בחזקת טהרה״ משתלבת בתפישה עקרונית של הרמב״ם על פיה אין לפנות אל המתים ולבקש את עזרתם, כי אינם חשים בצער החיים. ביטוי לכך

65 צ״ה חיות, מאמר דרכי משה, זאלקווא, עמ׳ תנה; א״ה וייס, „תולדות הרב רבנו משה בן מימון,״ בית תלמוד א (תרמ״א) עמ׳ 225–233; ח׳ טשרנוביץ (רב צעיר), „משנתו של הרמב״ם בהלכה,״ מקלט ה (תרפ״א) עמ׳ 348–385; א׳ לוינגר, „הרמב״ם בתור רופא ופוסק,״ הרפואה ח (תרצ״ה) עמ׳ 950–962; י׳ לוינגר, דרכי המחשבה ההלכתית של הרמב״ם (ירושלים: הוצאת ספרים ע״ש י״ל מאגנס, תשכ״ה) עמ׳ 88–151; הנ״ל, הרמב״ם כפילוסוף וכפוסק (ירושלים: מוסד ביאליק, תש״ן) עמ׳ 100–111; י׳ טברסקי, מבוא למשנה תורה לרמב״ם (ירושלים: הוצאת ספרים ע״ש י״ל מאגנס, תשנ״א) עמ׳ 60–62, 180, 357–359.

על כן, כשם שמותר להכנס עם ציצית לבית הכסא ולבית המרחץ,[54] כך מותר להכנס עם ציצית וטלית לבית הקברות, למרות שהציצית נגררת על גבי הקברים. ואכן יהודי תימן נוהגים שהאבלים באים לבית הקברות בזמן הלויה עטופים בטלית.[55] לפי זה ניתן להבין מדוע הרמב"ם לא הזכיר כלל את עניין קבורת המת בציצית, שהרי כאמור לעיל התעלם הוא מטעם „לועג לרש", ודי היה לו לפסוק בהלכות ציצית שאין בציצית משום קדושה כדעת חכמים.[56]

גורלו של תלמוד הירושלמי בעולמה של ההלכה הוא נושא חשוב לעצמו.[57] עם שקיעתה של תקופת הגאונים,[58] מוצאים אנו גישה רווחת ביותר – פשרנית ביסודה – לגבי היחס לירושלמי. גדולי הפוסקים היו מוכנים לקבל את דברי הירושלמי להלכה, בתנאי שאינם חלוקים על דברי הבבלי. כך דעתם של ר' האי גאון,[59] רי"ף,[60] ר"י אבן מיגאש[61] ואחרים.[62] הד לגישה זו, אפשר למצוא אצל הרמב"ם באחת מתשובותיו (תשובות הרמב"ם, מהדורת בלאו, ירושלים תש"ך, סי' רצט, עמ' 558), וזה לשונו: „יראה לי שראוי לסמוך על זה (הירושלמי), שהרי לא חלק על דברי הבבלי." אך בכל הנוגע ליחסו של הרמב"ם לירושלמי, אסור להסתפק בכך. למעשה גדולי הראשונים[63] והאחרונים[64] כבר הרגישו בכך שהרמב"ם חרג – במידה ניכרת – מעל ומעבר למנדט הגאוני לסמוך על הירושלמי במקרים שהוא

54 כניסה בטלית גדול לבית הכסא מותרת מעיקר הדין, אך בפועל נהגו להחמיר. ראה: ט"ז על או"ח, סי' כא, סק"ג; אליהו רבה על או"ח שם, אות ג; חיי אדם, כלל יא, סל"ז; שתילי זיתים על או"ח שם, אות ב ועוד.

55 ראה: ר' י' קאפח, הליכות תימן (ירושלים: מכון בן צבי, האוניברסיטה העברית על ידי קרית ספר, תשכ"א) עמ' 250; י"ל נחום, מצפונות יהודי תימן (תל אביב, תשכ"ב) עמ' 72.

56 בעניין ציצית בתכריכי המת, ראה בהרחבה: ליכטנשטיין, „מטומאת המת להקדשתו", עמ' 93–137.

57 ראה: I. Twersky, *Rabad of Posquieres* (Cambridge, Mass.,1962) 206–209.

58 ראה: ש"ז הבלין, „משנה תורה – סוף גאונות", המעין ג (תשכ"ה) עמ' 41–59; הנ"ל, „על החתימה הספרותית כיסוד החלוקה לתקופות בהלכה," מחקרים בספרות התלמודית; יום עיון לרגל מלאת שמונים שנה לש' ליברמן (ירושלים: האקדמיה הלאומית הישראלית למדעים, תשמ"ג) עמ' 183–192.

59 ש' אסף, תשובות הגאונים (ירושלים, תרפ"ט) עמ' 125–126: „ומלתא דפסיקא בתלמוד דילנא לא סמכינן בה על תלמודא דבני ארץ ישר' הואיל ושנים רבות איפסיקא הוראה מתמן בשמאדא, והכא הוא דאיתברר מסקני."

60 הלכות רב אלפס (ירושלים: מוסד הרב קוק, תשכ"ט) עמ' קצת, סוף מסכת עירובין: „ואנן לא סבירא לן הכי, דכיון דסוגיין דגמרא דילן להיתרא לא איכפת לן במאי דאסרי בגמ' דבני מערבא דעל גמרא דילן סמכינן דבתרא הוא."

61 שו"ת רבנו יוסף הלוי אבן מיגאש, סי' פא (מהדורת ש' חסידה; ירושלים, תשנ"א) עמ' עג: „שאין לנו לדחות מהירושלמי אלא דבר שבא הפכו בבבלי אבל דבר שלא בא הפכו בבבלי אין לנו לדחותו אבל נסמוך עליו ונדון בו."

62 א"א הרכבי, תשובות הגאונים (ברלין, תרמ"ז) סי' תלד, בשם רב שרירא גאון; שו"ת הרי"ף (מהדורת לייטר; פיטסבורג, תשי"ד) סי' יד; ספר הישר לרבנו תם, חלק השו"ת (ברלין: מהדורת רוזנטל, תרנ"ח) סי' קא, עמ' 210 ועוד.

63 השגת הראב"ד למשנה תורה, הלכות קריאת שמע ג, ו: „זה המחבר דרכו להיות סומך על הירושלמי"; השגות הרמ"ך (ר' משה הכהן) על הרמב"ם (ירושלים: מהדורת אטלס, תשכ"ט) הלכות תלמוד תורה ז, א: „ראע"פ שהירושלמי מפרש כדבריו, אינו עיקר כי כחולק עם הגמרא שלנו"; שו"ת מהרי"ק (ירושלים, תשל"ג) סי' קי: „ואפילו במקום שאין תלמודנו מוכיח כדברי הירושלמי, לפעמים יפסוק כמותו, היכא שתלמודנו מעמיד משנה או ברייתא בשינויי דחיקא והירושלמי מפרשת כפשיטא, תופס לו שיטת הירושלמי."

64 ביאורי הגר"א לשלחן ערוך, או"ח סי' תקמו, ס"ה: „סמך על הירושלמי כדרכו ברוב המקומות"; גינצבורג, פירושים וחידושים בירושלמי, חלק ב, עמ' 45–48; ש' ליברמן, הלכות הירושלמי לרמב"ם (ניו יורק, תש"ח) עמ' יד; א' אדלר, „העקרונות השיטתיים כיסוד לחזרותיו של הרמב"ם" (מפירוש המשנה למשנה תורה, דיסרטאציה, אוניברסיטת בר-אילן; רמת גן, תשמ"ז) עמ' 32–91; Michael Guttman, "The Decisions of Maimonides in His Commentary on the Mishna," *HUCA* 2(1925)230–231.

בטומאתו, כי דברי תורה אינם מקבלים טומאה. ואם כן מדוע אינו יכול לקרוא קריאת שמע ולהתפלל במקום טמא? לא קשה מידי, אדם טמא מותר בכולן ואילו מקום טמא אסור בכולן, שהרי אדם „חמת מלאה צואה"[49] – וחייב בכולן, ואילו מקום שיש בו צואה – אסור בכולן. וכך היא המידה, אדם טמא אינו יכול לפרוש מעצמו ולפיכך חייב בכולן, אך ממקום טמא אפשר לפרוש ולקיים מצוות במקום טהור. אף בעניין דברי תורה בפני המת פסק הרמב"ם בהלכות אבל פי"ג, ה"ט:

> אין אומרין שמועה והגדה בבית האבל, אלא יושבין דוין.[50] וכן אין אומרין בפני המת, אלא דברים של מת, אבל לעסוק בדברי תורה בפניו, או בבית הקברות–אסור.

הרמב"ם אסר לעסוק בתורה בפני המת כדברי הלישנא קמא בבבלי ברכות, אך צירף לכך שאין לעסוק בדברי תורה בבית הקברות, דבר שלא הוזכר בגמרא שם.[51] נראה שכרך יחד: בפני המת ובבית הקברות, כי דין אחד להם – מקום שאינו ראוי לעסוק בו בתורה מפני שאינו טהור. על כן לא קיבל הרמב"ם את דברי הלישנא בתרא בבבלי ברכות שאף דברי חולין אין לעסוק בהם בפני המת, כי אין כל מניעה לומר דברי חולין במקום שאינו טהור. ואכן בירושלמי ברכות מצינו שאסור רק דברי הלכה בפני המת ולא הוזכר כלל אמירת מילי דעלמא – דברי חולין בפני המת.

על פי דרכנו, אין תימה שהרמב"ם בעקבות הירושלמי לא הזכיר כלל שיש איסור לאדם שציצתו תגרר על גבי הקברים, שכן אם נאסור זאת משום: „שלא יאמרו למחר באים אלינו ועכשיו מחרפין אותנו", הרי הרמב"ם כאמור לא קיבל את טעם „לועג לרש," ואם משום שהמקום אינו טהור, הרי קיימא לן שציצית היא תשמישי מצוה ולא תשמישי קדושה וכפי שנאמר במגילה כו, ע"ב: „תשמישי מצוה נזרקין, ואלו הן תשמישי מצוה: סוכה, לולב, שופר וציצית."[52] וכן פסק הרמב"ם בהלכות ציצית פ"ג, ה"ט:

> ומותר להכנס בציצית לבית הכסא ולבית המרחץ. נפסקו לו חוטי לבן, או תכלת זורקו באשפה, מפני שהוא מצוה שאין בה קדושה.[53]

49 שבת קנב, ע"א.

50 כדעת תנא קמא בברייתא במועד קטן כג, ע"ב:

> ואין אומרין שמועה ואגדה בבית האבל, אבל אמרו עליו על ר' חנניה בן גמליאל שהיה אומר שמועה ואגדה בבית האבל.

המילים: „אלא יושבין דוין," אינם בברייתא בדברי תנא קמא, אלא הרמב"ם הוסיפם על סמך דברי ר' יהושע בן קרחה בברייתא, שם.

51 אף ר' אחאי גאון בשאילתא יד, לאחר שהביא את שתי הדעות בעניין אמירת דברי תורה ומילי דעלמא בפני המת, כתב:

> ברם צריך המהלך בבית הקברות מהו כפני המת דמי ואסיר או דילמא כיון דקבירי לא כפני המת דמיין ושפיר דמי . . . שמע מינה בית הקברות כפני המת דמי, אידי ואידי כיון דמרחק ארבע אמות כמקום אחר דמי ושפיר דמי.

וראה עוד על שטת הגאונים ובעלי התוספות, ועל פסקיהם של בעל הטור ובעל השלחן ערוך בעניין דברי תורה ודברי חולין בפני המת: ליכטנשטיין, „מטומאת המת להקדשתו," עמ' 32–38.

52 ראה: מסכת ציצית ט (מהדורת היגער, עמ' נב); מסכת שמחות פי"ב, יא (מהדורת היגער עמ' 198) בעניין מחלוקת אבא שאול וחכמים אם יש קדושה בציצית.

53 ראה עוד: תשובות הרמב"ם (מהדורת בלאו; ירושלים: תש"ך) תשובה רסח, עמ' 512.

ונתון בתוך התיק שלו," מפני שהמקום אינו טהור, על-כן אף אם לא יקרא בו אסור להכניסו לבית הקברות.[46] גם כאן העיר בעל הכסף משנה:

> אע"ג דפשטא דברייתא משמע דלא אסרה לילך לבית הקברות וספר תורה בזרועו, אלא בקורא בו.

ומחדש בעל הכסף משנה:

> נראה שרבנו מפרש דתרתי קתני, לא יהלך בבית-הקברות וספר תורה בזרועו או קורא בו, ובכל חד מהני איכא משום לועג לרש, דאחיזת ספר תורה בזרועו אע"פ שאינו קורא בו מצוה היא, ואית בה משום "לועג לרש."

ר' יוסף קארו נאמן לדרכו שהרמב"ם פסק לאיסור מטעם "לועג לרש," וטעם זה נוהג רק בעת קיום מצוה בפני המת או בסמוך לקבר, ועל כן חידש שאף באחיזת ספר תורה בזרועו, למרות שאינו קורא בו, יש בה משום מצוה וממילא אסורה היא מטעם "לועג לרש."

דברי בעל הכסף משנה אינם מובנים, ראשית הוא סותר את עצמו, בהלכות אבילות הקשה על הרמב"ם וקבע שרק אם קורא בספר מקיים מצוה ועובר משום "לועג לרש," ואילו כאן נקט שיש מצוה אף באחיזת הספר בלבד.[47] וכן עצם חידושו כאן אינו מובן, היכן מצינו שיש מצוה לאחוז בספר תורה, על פי אותו היגיון נצטרך לומר שגם אחיזת תפילין בידו – מצוה היא, שהרי הרמב"ם כתב: "תפילין בידו" במקום "ותפילין בראשו" האמור בנוסח הברייתא בבבלי. זאת ועוד, במסכת סוכה מא, ע"ב, נאמר: "לא יאחז אדם תפילין בידו וספר תורה בחיקו ויתפלל." ועל כך נאמר שם, בתירוץ על שאלה: "התם לאו מצוה נינהו וטריד בהו."

כלומר, אחיזת ספר תורה או תפילין אינה מצוה, "לפיכך טרוד במשאם וכבד עליו משאם ושמירתם"[48] ולא יכוון בתפילתו. אם כן דברי בעל הכסף משנה שיש מצוה באחיזת ספר תורה סותרים את דברי הגמרא בסוכה. כללו של דבר, ביאור דברי הרמב"ם על פי הטעם של "לועג לרש" ע"י בעל הכסף משנה, הביא לכל הקושיות והתירוצים שאין להם מקום בשיטתו של הרמב"ם. ואמנם יש מקום לשאול, מדוע פסק הרמב"ם בהלכות קריאת שמע פ"ד, ה"ח:

> כל הטמאין חייבין בקריאת שמע ומברכין לפניה ואחריה והן בטמאתן, אף על פי שאפשר להן לעלות מטומאתן בו ביום, כגון: הנוגעין בשרץ, או בנידה וזבה ומשכבה וכיוצא בהן. ועזרא ובית דינו תקנו שלא יקרא בדברי תורה בעל קרי לבדו והוציאוהו מכלל שאר הטמאין עד שיטבול. ולא פשטה תקנה זו בכל ישראל ולא היה כח ברוב הציבור לעמוד בה, לפיכך בטלה. וכבר נהגו כל ישראל לקרות בתורה ולקרות קריאת שמע והן בעלי קריין, לפי שאין דברי תורה מקבלין טומאה, אלא עומדין בטהרתן לעולם, שנאמר: "הלא כה דברי כאש נאם ה'," מה אש אינה מקבלת טומאה, אף דברי תורה אינם מקבלין טומאה.

כלומר, אדם טמא חייב בקריאת שמע ותפילה ורשאי ללמוד תורה למרות שעומד הוא

46 ראה בעניין הנחת ספר תורה על מיטתו של מת: ליכטנשטיין, "מטומאת המת להקדשתו," עמ' 77–81.

47 ראה, לחם משנה, הלכות אבילות, שם, שהעיר כל כך. וראה עוד בשו"ת נודע ביהודה, מהדורא תנינא, או"ח, סי' קט.

48 לשון רש"י שם, ד"ה: "לאו מצוה נינהו."

ובנוסחי דידן גבי ס״ת לא יהלך אדם בבית־הקברות וספר תורה בזרועו וקורא בו, והכי מסתבר, דבלא קריאה מאי לועג לרש איכא?[44]

לפי ר׳ יוסף קארו נוסח הברייתא בבבלי: „וספר תורה בזרועו וקורא בו״ מובן יותר, שכן בלא קריאה בספר תורה, אלא אחיזת ספר התורה בזרועו בלבד, אין לאסור מטעם „לועג לרש״ ואמנם ר׳ דוד בן זמרא[45] בביאורו על הרמב״ם שם, כתב:

וצריך טעם למה שינה רבנו וכתב תפילין בידו, ויש לומר דלא מבעיא בזמן שהם בראשו שהוא מקיים מצוה דאיכא משום „לועג לרש״ אלא אפילו שהוא תופס אותם בידו אסור, ומהאי טעמא השמיט מלת „וקורא״ דאע״ג דאינו קורא איכא משום „לועג לרש״

ר׳ דוד בן זמרא מחדש שאף אם אינו מקיים מצוה, כגון: אוחז את התפילין בידו ולא מניחם בראשו, או אוחז בספר תורה ואינו קורא בו, יש משום „לועג לרש״ הסברו של ר׳ דוד בן זמרא אינו מובן, שכן אם איסור „לועג לרש״ נוהג אף במקום שאינו מקיים מצוה, מדוע בעל הברייתא בבבלי נמנע מלכתוב זאת בצורה מפורשת, הרי יש בכך חידוש גדול יותר, ואם בנוסח הברייתא בבבלי הדבר לא הוזכר, מאין לרמב״ם לחדש איסור זה אף במקום שאינו מקיים מצוה.

ברם, לפי העיקרון שבית הקברות ובצד המת הם מקומות שאינם טהורים, ברור שאין להכניס תשמישי קדושה למקום זה. וכשם שאסור להכניס ספר תורה ותפילין לבית המרחץ ולבית הכסא מפני שאין המקום טהור מבחינה זיהומית, כך אסור להכניסם לבית הקברות או בצד המת, למרות שאין קוראים בספר ולא מניחים את התפילין, מפני שאין המקום טהור מגזירת הכתוב. דברי הרמב״ם תואמים לנוסח הברייתא במסכת שמחות פי״ג, ה״ג, מהדורת היגער עמ׳ 202:

היה עובר בין הקברות לא יתן תפילין עליו, ולא כתבי הקודש בידו מפני שהוא דרך בזיון.

כלומר, אין להכניס כתבי הקודש לבית הקברות אפילו אם אינו קורא בהם, אלא רק מחזיקם בידו כי יש בכך בזיון לכתבי הקודש. וכן פסק הרמב״ם בצורה מפורשת יותר, בהלכות ספר תורה, פ״י, ה״ו:

לא יאחוז אדם ספר תורה בזרועו ויכנס בו לבית המרחץ, או לבית הכסא, או לבית הקברות, אף על פי שהוא כרוך במטפחת ונתון בתוך התיק שלו, ולא יקרא עד שירחיק ארבע אמות מן המת או מבית הכסא.

אף בהלכה זו נארגו יחד: בית המרחץ, בית הכסא ובית הקברות, ללמדך שטעם אחד להם. וכן קבע הרמב״ם שאסור להכניס ספר תורה למקומות אלה „אף על פי שהוא כרוך במטפחת

44 ויש שבארו שהכוונה על המלך שיש לו מצוה לשאת ספר תורה בזרועו. (ראה: י׳ בן ארזה, יוסף דעת, ללומדי הדף היומי, ברכות פרק שני־שלישי [ירושלים, תשנ״ז] עמ׳ 27 [בשם הגר״ח קניבסקי]; ר״א לעווין, ברכת אהרן, על מסכת ברכות [ירושלים, תשנ״ח] מאמר קמח, עמ׳ סח, ע״ב–סט, ע״ב).

45 נולד בספרד בשנת ר״ל (1470), למד תורה אצל המקובל האלוקי המלומד בניסים רבי יוסף סארגוסו מסיציליה. גורש מספרד והתישב עם אביו בצפת. מצפת ירד מצריימה ולמד בישיבת הנגיד ר׳ יצחק שולאל. נתמנה לראש הרבנים במצרים ושפט את ישראל שם במשך כ־40 שנה. בהיותו בן תשעים עלה לירושלים, ממנה יצא לצפת. נפטר בגיל מאה ועשר ונקבר בצפת.

הקברות או בצד המת – חוזר וקורא. אך לדעת הראב"ד יש הבדל בין מקום טומאה מדאורייתא – בית הקברות, שאם קרא שם – חוזר וקורא, לבין מקום טומאה מדרבנן – ארבע אמות בצד המת, שאם קרא שם – אינו חוזר וקורא, שכן המקום טמא רק מדרבנן. ועל-כן השיג על הרמב"ם רק על מי שקרא בצד המת ולא השיג על מי שקרא בבית הקברות![41] טעמו של הרמב"ם משום שהמקום אינו טהור, מבואר ומפורש ביתר שאת בהלכות תפילה פ"ד, ה"ח:

> טהרת מקום תפילה כיצד, לא יתפלל במקום הטנופת ולא במרחץ ולא בבית-הכסא ולא באשפה ולא במקום שאינו בחזקת טהרה עד שיבדקנו, כללו של דבר: כל מקום שאין קורין בו קריאת שמע – אין מתפללין בו, וכשם שמרחיקין מצואה וממי רגלים וריח רע ומן המת ומראיית הערוה לקריאת שמע, כן מרחיקין לתפילה.

אם כן, דבריו מפורשים: צואה, מי רגלים, ריח רע, מת וראיית הערוה, כולם דין אחד להם וטעם אחד להם – „טהרת מקום תפילה" לא מתפללים ולא קוראים את שמע „במקום שאינו בחזקת טהרה."[42] באופן דומה פסק הרמב"ם בהלכות תפילין פ"ד, הכ"ב-הכ"ג:

> הנכנס לבית המרחץ . . . ומקום שבני אדם עומדים ערומים חולץ תפילין ואין צריך לומר שאינו מניח. ולא יהלך אדם בבית הקברות ותפילין בראשו, ואפילו בתוך ארבע אמות של מת, או בתוך ארבע אמות של קבר, צריך לחלוץ תפילין עד שירחיק ארבע אמות. ולא ילבש אדם תפילין עד שיכסה ערותו וילבש בגדיו.

אף בעניין תפילין לא הזכיר הרמב"ם את טעם „לועג לרש" אלא כרך ביחד: בית המרחץ – מקום שבני אדם עומדים ערומים, בית-הקברות – בתוך ארבע אמות של מת, או בתוך ארבע של קבר ואדם שערותו אינה מכוסה ואינו לבוש בבגדיו, ללמדך שדין אחד להם וטעם אחד להם, שאין להניח תפילין במקום שאינו טהור. על פי הסבר זה נוכל להבין את דברי הרמב"ם בהלכות אבילות פי"ז, הי"ג:

> לא ילך אדם בתוך ארבע אמות של קבר ותפילין בידו[43] וספר תורה בזרועו ולא יתפלל שם וברחוק ארבע אמות – מותר.

הרמב"ם כתב: „ותפילין בידו" ולא כנוסח הברייתא בבבלי: „ותפילין בראשו" וכן גרס: „וספר תורה בזרועו" ולא כנוסח הברייתא בבבלי: „וספר תורה בזרועו וקורא" וכבר הקשה על כך בעל הכסף משנה, שם, לפי סברתו שמשום „לעג לרש" נגעו בה:

> מת תופס ארבע אמות שלו לטומאה, וכל כהן שנכנס לתוך ארבע אמות, מכין אותו מכת מרדות . . . אבל אם נכנס לבית הקברות לוקה מן התורה.

41 ראה במאמרו של ר"י קאפח, „קריאת שמע ותפילה במקום טומאה," בתוך ש' ישראלי, נ' לאם וי' רפאל, עורכים, ספר היובל לגרי"ד סולוביצ'יק (ירושלים: מוסד הרב קוק; ניו יורק: ישיבה אוניברסיטה, תשמ"ד) עמ' תקפה-תקפז, שבאר בהרחבה את שיטת הרמב"ם והראב"ד.

42 השוואה דומה כתב הרמב"ם במורה נבוכים, חלק ג, פמ"ז (מהדורת קאפח) עמ' שפט, בטעם איסור טומאה:

> וכל אלה הם גם דברים נגעלין, כלומר נידה וזב וזבה ומצורע ומת ונבלה ושרץ ושכבת זרע. והנה הרשגו בדינים אלו מטרות רבות, האחת הפרישה מן הגיעולים.

43 נוסח דומה מובא בתשובתו של ר"י אבן מיגאש (שו"ת הר"י מיגאש [מהדורת ש' חסידה; ירושלים, תשנ"א] סי' מז): „נמצא האוחז תפילין בפני המת."

דברי בעל הכסף משנה תמוהים, מאין ברור לו שטעמו של הרמב״ם הוא משום „לועג לרש״, הרי הרמב״ם לא הזכיר כלל נימוק זה? גם מה שכתב בעל הכסף משנה שקנסוהו לחזור ולקרות קריאת שמע, היכן מצינו קנס זה, ומי קנס? ועוד מי שעשה עברה בשעת קריאת שמע, למשל הושיט ידו וגנב, האם נחייבהו לחזור ולקרוא קריאת שמע?

וכן אם טעמו של הראב״ד הוא משום „לועג לרש״ מדוע השיג על הרמב״ם רק „על מי שקרא בצד המת״ ולא השיג אף על הקורא בבית הקברות שגם הוא אסור מטעם „לועג לרש״?

על-כן נראה לומר שהרמב״ם נקט כשיטת הירושלמי שטעם האיסור הוא מפני שהמקום אינו טהור, ואין הבדל לדעתו בין אם המקום טמא בגלל זוהמתו, כגון: בית המרחץ ובית הכסא, ובין אם המקום טמא ע״פ גזרת הכתוב, כגון: בית הקברות ובצד המת.[38] שהרי בהלכה זו כאמור השווה הרמב״ם את בית המרחץ ובית הכסא, לבית הקברות וארבע אמות של מת ושנה אותם יחד,[39] ולכן הרמב״ם לא הזכיר כלל את הנימוק שנאמר בבבלי – „לועג לרש״.

ונראה שאף הראב״ד סבר כרמב״ם שלא משום „לועג לרש״ נגעו בה, אלא שהוא חולק עליו בעניין אחר. לדעת הרמב״ם אין הבדל אם קורא קריאת שמע במקום טומאה מדאורייתא – בבית הקברות או במקום טומאה מדרבנן – בארבע אמות בצד המת,[40] לכן אם קרא בבית-

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אך בפירוש „סביב לאוהל״ על אוהל מועד, דרך שני, יז, ע״א דחה דבריו, כי דברי הגמרא מתייחסים לעניין מצא צואה במקומו ובזה אפילו הראב״ד מודה שצריך לחזור ולקרות, כי קרא במקום שאינו ראוי לקרות, אבל בתוך ד׳ אמות של מת שהמקום ראוי הוא מצד עצמו, אלא שיש איסור מבחוץ של „לועג לרש״ אם קרא שם אינו חוזר. ובספר יד פשוטה על הרמב״ם, שם (לר׳ נחום אליעזר רבינוביץ), עמ׳ פג-פד האריך בהסבר דינו של הרמב״ם שחייב לחזור ולקרוא, וכתב:

> שהתורה ציוותה על דיבור צריך שהדיבור יהא בעל משמעות הרצויה ואם לאו אין כאן אותו דיבור שנצטווינו עליו, כפי שאמר רב הושעיא: על שם ובוצע ברך נאץ ה׳... אין זה מברך אלא מנאץ... ק״ש משמעותה קבלת עול מלכות שמים, אבל אם אומרה אצל המת משמעותה לעג לרש וחרוף כלפי שמים ח״ו, נמצא שלא אמר כלל מה שנצטוה לומר ולא עשה שום מצוה לפיכך נמצא מחרף.

דבריו של ר׳ נחום אליעזר רבינוביץ אין בהם כדי לפרנס את שאר ההלכות שכתב הרמב״ם בעניין זה. ובשו״ת פנים מאירות (אייזנשטט: ר׳ מאיר אייזנשטט, תע״ה) חלק ב, סי׳ קנ, נטה לקבל את תירוצו הראשון של בעל הכסף משנה: „שהרמב״ם דיבר על שאר הדברים״ ובשו״ת תשורת ש״י (סיגט: ר׳ שלמה יהודה טאבאק, תרס״ה-ע) חלק ב, סי׳ יא, באר:

> יתכן שלפי הרמב״ם יליף מקרא ד„לועג לרש חרף עושהו״ דהוי מדברי קבלה הוי דאורייתא... דשאני הכא דמשום „לועג לרש״ הוי דברי קבלה דהוי כדאורייתא ממש.

38 כדברי המדרש בפסיקתא דרב כהנא, פרה אדומה (מהדורת מנדלבוים פרק א, עמ׳ 74):

> אמר להם רבן יוחנן בן זכאי: חייכם לא המת מטמא ולא המים מטהרים אלא גזירתו של הקב״ה הוא.

39 ראה: ר׳ ז״ו בוסקאוויץ, סדר משנה, חידושים ופלפולים על ספר האהבה מהרמב״ם (פרג, תק״פ) הלכות ק״ש שם; ר״י קאפח, משנה תורה לרמב״ם ע״פ כתבי יד תימנים עם פירוש מקיף, ספר אהבה (ירושלים: מכון מש״ה לחקר משנת הרמב״ם מיסודה של אגודת הליכות ישראל, תשמ״ד) עמ׳ עא-עב; רפאל בר״י הכהן, שפתי כהן, חלק א, על מסכת ברכות (בני ברק, תשמ״ט) עמ׳ קעז-קעח; א״ש מייארא, דברי שלום, ברכות (ירושלים, תש״ס) סי׳ לו, עמ׳ ריד-רטז שפירשו בכוון זה. ור׳ מנוח מנרבונה בספר המנחה על הרמב״ם שם, באר: „ולא בבית הקברות – לפי שסתם בית קברות הוא מזוהם ומעופש ותו משום לועג לרש״ ובעל מרכבת המשנה על הרמב״ם שם, בהתייחסו להשגת הראב״ד, כתב:

> ותו דמאן יימר דליכא משום ריח רע תוך ד״א של מת, ונקיט משום „לועג לרש״ דאסור אפילו חנוטהו וידוע שאין ריח.

40 הבחנה זו נאמרה ברמב״ם הלכות אבילות, פ״ג, הי״ג:

העושה כוך בקבר והגיע זמן המקרא, לא יקרא ולא יתפלל אלא פורש למקום טהרה, וקורא ומתפלל ואחר-כך נכנס.

נוסח הלכה זו תואם באופן מוחלט לדברי הירושלמי שמשום מקום טהרה נגעו בה.

שיטת הרמב"ם

בעוד שהגאונים אמצו את נוסח הבבלי וקבעו את טעם „לועג לרש" כבסיס לאסור לקרות קריאת שמע, להתפלל ולומר דברי תורה בפני המת או סמוך לקבר,[36] הרי שהרמב"ם סלל דרך חדשה התואמת לנוסח הירושלמי ומסכת שמחות. בהלכות קריאת שמע פ"ג, ה"ב פסק הרמב"ם:

אין קורין לא בבית המרחץ ולא בבית הכסא אף על פי שאין בו צואה, ולא בבית הקברות ולא בצד המת עצמו ואם הרחיק ארבע אמות מן הקבר או מן המת מותר לקרות. וכל מי שקרא במקום שאין קוראין בו – חוזר וקורא.

הרמב"ם כולל יחד: בית המרחץ, בית הכסא, בית הקברות ובצד המת עצמו ואינו מזכיר כלל את טעם „לועג לרש" ביחס לבית הקברות ובצד המת. וכן קובע הוא: „וכל מי שקרא במקום שאין קוראין בו – חוזר וקורא," קביעה זו חלה על כל מה שנאמר לעיל כולל בית הקברות ובצד המת. וכבר הקשה הראב"ד על כך בהשגה, שם: „א"א אם אמר על מי שקרא בצד המת, שיחזור ויקרא לא אמר כלום."

בעל הכסף משנה על הרמב"ם, שם מבאר את דברי הרמב"ם והראב"ד על פי הטעם של „לועג לרש," וכך הם דבריו:

ולא בבית הקברות ולא בצד המת וכו'. סוטה פרק משוח מלחמה (מג, ע"ב) כי אתא רב דימי אמר ר' יוחנן משום ר' אליעזר בן יעקב מת תופס ארבע אמות לקרית שמע דכתיב: „לועג לרש חרף עושהו" (משלי יז, ה) ובריש מי שמתו (יח, ע"א) משוה בית הקברות למת עצמו, וסובר רבנו שכל מי שקורא במקום שאין קורין בו לא עלתה לו קריאה. וכתב הראב"ד: א"א מי שקרא . . . לא אמר כלום, עכ"ל. וטעמו משום דכיון דלא הוי אלא משום „לועג לרש," אינו בדין שיחזור ויקרא, וכן כתב הרמ"ך. ואפשר לומר שאף רבנו לא אמרה אלא אאינך ולא אמת. אי נמי כיון דעבר על דברי חכמים קנסוהו לחזור אפילו אם היה שוגג כדי שיזהר פעם אחרת.

ר' יוסף קארו מבאר את הרמב"ם והראב"ד על פי הטעם של „לועג לרש" ונדחק לפרש את דברי הרמב"ם: „וכל מי שקרא במקום שאין קוראין בו – חוזר וקורא," כמכוונים לבית המרחץ ולבית הכסא ולא על „בצד המת," או שאם דברים אלה חלים אף על „בצד המת" – לא יצא ידי חובת קריאת שמע, כי חכמים קנסוהו לחזור מטעם „לועג לרש," כדי שיזהר פעם אחרת.[37]

36 הלכות גדולות, שם; שאלתות דרב אחאי גאון, שם; אוצר הגאונים ברכות, חלק התשובות, סי' קיב, עמ' 44.

37 וכן כתב ר' יששכר בער איילינבורג בספר באר שבע (ויניציא שע"ד) בביאורו על מסכת סוטה מג, ע"ב, ד"ה: „מת תופס," עמ' 117 כתירוצו השני של הכסף משנה משום קנס. ובפרי חדש על או"ח, סי' עא, סק"ז, מובאת ראיה מבבלי ברכות כב, ע"ב:

היה מתפלל ומצא צואה במקומו . . . הואיל וחטא אע"פ שהתפלל תפילתו תועבה, דילמא היכא דעבר איסור קנסינן ליה על זה.

לר׳ יונתן בעניין ציציותיו שלא יגררו על גבי הקברים, „כדי שלא יאמרו למחר באין אצלנו ועכשיו מחרפין אותנו״[33] הרי שבירושלמי מסופר:

> והיה ר׳ יונתן מפסע על קיבריה, אמר ליה רבי חייא רובא: כדון אינון מימר למחר אינון גבן ואינון מעיקין לן.

(והיה ר׳ יונתן פוסע על הקברים, אמר לו ר׳ חייא: עכשיו יאמרו המתים למחר הם באים אצלנו והן מצערין לנו). כלומר, הפגיעה והזלזול במת או בקבר, אינם בקיום מצות ציצית בפניו או סמוך לקברו, אלא בפסיעה על גבי הקברים.[34]

נוסח הברייתא במסכת שמחות

לפי שיטת הירושלמי ניתן להבין את נוסח הברייתא במסכת שמחות פי״ג, ה״ג (מהדורת היגער, עמ׳ 202):

> היה עובר בין הקברות[35] לא יתן תפילין עליו, ולא כתבי הקודש בידו מפני שהוא דרך בזיון.

כלומר, אין להכניס כתבי הקודש לבית הקברות אפילו אם אינו קורא בהם, אלא רק מחזיקם בידו כי יש בכך בזיון.

מה משמעות ההבדל בין נוסח הברייתא בבבלי: „וספר תורה בזרועו וקורא ואם עושה כן עובר משום לועג לרש חרף עושהו״ לבין נוסח הברייתא במסכת שמחות? ונראה לומר שדברי הברייתא במסכת שמחות: „ולא כתבי הקודש בידו מפני שהוא דרך בזיון״ תואמים לשיטת הירושלמי שתפילין וכתבי הקודש בבית הקברות אינם אסורים מטעם „לועג לרש״ שאין לקיים מצוות בפני המת, אלא כי יש בכך פגיעה וזלזול בכתבי הקודש, כי המקום אינו טהור. על כן אין להכניס „כתבי הקודש בידו״ לבית הקברות למרות שאינו קורא בהן ואינו מקיים מצות קריאה בתורה, כי יש בכך בזיון לכתבי הקודש. ואכן בהלכה הבאה במסכת שמחות, שם נאמר:

33 ובקהלת רבה פ״ט עירב את הסיפור המובא בירושלמי עם הסיפור המובא בבבלי:

> ר׳ חייא רבה ור׳ יונתן הוון מהלכין קומי ערסיה דר׳ שמעון בן יוסי בן לקוניא, הוה טליתיה דר׳ יונתן מהלכא על ארוניה, אמר ליה ר׳ חייא רבה: בני טלי טליתך, שלא יהו אומרים למחר הן באין אצלנו והן מחרפין אותנו . . . אמר לו: ברוך שלמדני מדרש ונשקו על ראשו.

ראה לעיל, הערה 19. וראה בפירושו של גינצבורג, פירושים וחידושים בירושלמי, חלק ב, עמ׳ 300 בעניין „נשקו על ראשו״.

34 בדומה לכך בבבלי מגילה כט, ע״א: „ת״ר בית הקברות אין נוהגין בהן קלות ראש, אין מרעין בהן בהמה ואין מוליכין בהן אמת המים״ ובחידושי הריטב״א, מגילה שם, ד״ה: „ת״ר בית הקברות״ מוסיף על כך:

> והכל מפני כבודם של מתים, ואסור לישב על הקבר, או להלך ולרמוס בו, העושה כן עובר משום „לועג לרש חרף עושהו״.

35 „בין הקברות״ – הוא נוסח א״י, ובבבלי הנוסח המקובל הוא: „בבית הקברות״. ראה הערתו של ש׳ ליברמן בתוספתא כפשוטה, ברכות, עמ׳ 109. וראה עוד: ש׳ ליברמן, „מכילתא דר׳ ישמעאל״ קרית ספר יב (תרצ״ה) עמ׳ 56–55; א׳ בנדויד, לשון מקרא ולשון חכמים, חלק א (תל אביב: דביר, תשל״א) עמ׳ 199.

(רבי יוסי ישב ושנה והוכנס מת לבית המדרש, מי שישב והמשיך ללמוד לא אמר לו כלום, ומי שיצא משם לא אמר לו כלום). כלומר, רבי יוסי הסתפק אם צריך לבטל תורה מפני טומאת המת, על כן לא הורה לתלמידיו כיצד לנהוג, אך עניין „לועג לרש" – פגיעה בכבוד המת לא נדון כלל. הסיפור על רבי יוסי הובא גם בירושלמי כלאיים פ"ט, ה"א בהקשר לעניין דומה:

> תני אין מדקדקין במת ולא בכלאים בבית המדרש, רבי יוסי הוה יתיב מתני והוה תמן מיתא, מן דנפק ליה לא אמר כלום, מן דיתיב ליה לא אמר ליה כלום.

(ר' יוסי ישב ולמד והיה מת בבית המדרש מי שיצא לא אמר לו כלום ומי שישב לא אמר לו כלום). כלומר, אין מפסיקים ללמוד תורה בבית המדרש למרות שיש שם מת. וכך נהג ר' יוסי שלא ביטל תורה מפני טומאת המת, כי אין מבטלין תורה מפני טומאת המת[31] וכפי שאין דורשים מאדם הלבוש בבגד כלאים להפסיק בלימודו ולפשוט את הבגד.

החידוש בהלכה זו שטומאת מת נדחית מפני ביטול תורה בבית המדרש, אך הפגיעה של לומדי התורה במת מטעם „לועג לרש" לא נידונה כלל.

טעם „לועג לרש חרף עושהו" מוזכר בירושלמי רק פעם אחת לעניין ביזיון בית הקברות, אך לא לעניין קיום מצוות בפני המת או סמוך לקבר. כך נאמר בירושלמי ברכות פ"ב, ה"ג:

> ר' זעירא בשם ר' אבא בר ירמיה: לא יכנס אדם לבית הקברות ויעשה צרכיו שם. ואם עשה כן עליו הכתוב אומר: „לועג לרש חרף עושהו."

דהיינו, הפגיעה והזלזול במת אינם בקיום מצוות בפניו או סמוך לקברו, אלא בעשיית צרכים בבית הקברות. וכן מובא שם מעשה בר' חייא רובא ור' יונתן[32] שהלכו לפני מטתו של ר' שמעון בר יוסי בר לקוניא בבית הקברות, אך בעוד שלפי נוסח הבבלי העיר ר' חייא

31 בפסקי הרא"ש כתובות, פרק שני, סי' ה, באר זאת לעניין טומאת כהן:

> אין מדקדקין בבית המדרש, כהן שישב בבית המדרש וטומאה מאהלת עליו אין מצריכין אותו לצאת דסבר דמותר לטמאות לתלמוד תורה.

לדעת הרא"ש, דברי הירושלמי חולקים על דברי הבבלי בעירובין מז, ע"א המתיר לכהן להטמא רק בטומאה מדרבנן, כגון: בבית הפרס וחוצה לארץ, אבל לא בטומאה מדאורייתא. וכן כתב הרמב"ן, שם, „ענין ההוצאה" (מהדורת שעוועל, עמ' קה). אך בשבלי הלקט הלכות שמחות, סי' ה (מהדורת באבער, עמ' 340) מובא פירושו של רבנו שמשון ז"ל:

> אין מדקדקין להחמיר במת לעניין דברי תורה שאסור לדבר לפני המת בדברי תורה כדקאמר ר' יוסי הוה יתיב ומתני ולא הודיעוהו שהיה שם מת עד שיצא.

דהיינו, דברי הירושלמי אינם מכוונים להתיר טומאת כהן, אלא להתיר אמירת דברי תורה בבית המדרש בפני המת בניגוד לדברי הבבלי ברכות ג, ע"ב ודברי הירושלמי ברכות פ"ג, ה"א (ראה לעיל). וכן משתמע מדברי רבנו ירוחם, שם, שכן לאחר שהביא את ההלכה שאין אומרים בפני המת, אלא דבריו של מת וכו' כתב: „ובירושלמי אין מדקדקין בבית המדרש במת, פירוש אפילו יהיה שם מת לומדין ועוסקין."

32 ר' יונתן היה כהן כמפורש בבבא מציעא צ, ע"ב, ועל השאלה איך היה מפסיע על הקברים אם היה כהן? יש להשיב בפשיטות שר' שמעון בר יוסי בר לקוניא היה רבו של ר' יונתן והלכה בירושלמי ברכות פ"ג, ה"א שאדם מטמא לכבוד רבו. וראה בפירושו של גינצבורג, פירושים וחידושים בירושלמי, חלק ב, עמ' 301–302. ובספר יוחסין. שם ניסה לבאר שיש שני ר' יונתן, ור' יונתן שהלך עם ר' חייא רובא אחר המת אינו כהן. ראה לעיל הערה 16.

ואילו טעם „לועג לרש״ לא הוזכר בירושלמי. וכן מסופר בירושלמי מועד קטן פ״ג, ה״ה:

> רב מנא הוון בנויי דרבי חנינה אחוי מייתין (ר׳ מנא היו בני ר״ח אחיו מתים), אתון ושאלון לרבי יוסי . . . מהו לקרות את שמע ולהתפלל? אמר לון: נשמעינה מן הדא, הרי שהיה עסוק עם המת בקבר והגיעה עונת קריאת שמע, פורש למקום טהרה ולובש את תפיליו וקורא קריאת שמע ומתפלל . . . אחוי דאיתתיה דבר נחמיה מית (אח אשתו של בר נחמיה מת), אתון שאלון ליה . . . מהו לקרות את שמע ולהתפלל א״ל נישמעינה מן הדא, הרי שהיה עסוק עם המת בקבר והגיעה עונת קריאת שמע, הרי זה פורש למקום טהרה ולובש את תפיליו וקורא את שמע ומתפלל.

לדעת ר׳ יוסי ובר נחמיה אין לקרוא קריאת שמע ולהתפלל סמוך למת מפני הטומאה, אלא צריך לפרוש למקום טהור, ואילו „לועג לרש״ לא הוזכר כנימוק להרחקה מן המת או הקבר.[26] אף לעניין דברי תורה בפני המת נאמר בירושלמי ברכות פ״ג, ה״א וירושלמי נזיר פ״ז, ה״א:

> ר׳ יונה ר׳ יוסי גליליא בשם רבי יסא בר חנינא: אין שואלין הלכה לפני מטתו של מת. והא רבי יוחנן שאל לר׳ ינאי קומי ערסיה דר׳ שמואל בן יוצדק:[27] הקדיש עולתו לבדק הבית, והוא מגיב ליה? נימר כד הוה רחיק[28] או כד הוון מסקין ליה לסדרה. והא ר׳ ירמיה שאל לר׳ זעירה קומי ערסיה דר׳ שמואל בר רב יצחק, והוא מגיב ליה? כד הוה רחיק הוה מגיב ליה, כד הוה קריב לא הוה מגיב ליה.

(. . . והרי ר׳ יוחנן שאל לר׳ ינאי לפני מטתו של ר׳ שמואל בן יוצדק . . . ורבי ינאי השיב לו? אלא נאמר כשהיו רחוקים מן המת היתה השאלה והתשובה, או כשהכניסו את המת לסידרא. ר׳ יוחנן ור׳ ינאי נשארו בחוץ ואז שאל והשיב לו. והרי ר׳ ירמיה שאל לר׳ זעירא לפני מטתו של ר׳ שמואל בר רב יצחק, ורב זעירא השיב לו? אלא נאמר כאשר התרחקו מן המת היה משיב לו, וכאשר התקרבו לא היה משיב לו).

בירושלמי לא מוזכר טעם „לועג לרש״ כנימוק להלכה ש„אין שואלין הלכה לפני מטתו של מת״ אלא רק שיש להתרחק מן המת כדי לשאול ולהשיב בענייני הלכה. ונראה שאין לומר דבר הלכה בפני המת מפני הטומאה.[29] ניתן להביא ראיה ששאלת לימוד תורה סמוך למת נוגעת לעניין טומאה וטהרה מסוגיית הירושלמי בנזיר, שם (וירושלמי ברכות, שם):

> מהו שיטמא אדם[30] לתלמוד תורה? רבי יוסי הוה יתיב ומתני ועאל מיתא מן דיתב ליה, לא אמר כלום, ומן דנפיק ליה לא אמר ליה ולא כלום.

המשמר את המת אע״פ שאינו מתו פטור מקריאת שמע ומן התפילה ומן התפילין ומכל מצוות האמורות בתורה, היו שנים – זה משמר וזה קורא וזה משמר וזה קורא. בן עזאי אומר: היו באים בספינה מניחו בזוית זו ומתפללין שניהם בזוית אחרת.

גם בברייתא זו לא הוזכר טעם הדבר ולא דרישה לפרוש למקום טהור כדי להניח תפילין ולהתפלל. אך באוצר הגאונים, שם, חלק התשובות סי׳ קב, עמ׳ 44, מבואר: „ועיקר הדבר משום לועג לרש חרף עושהו״.

26 ולא כפירוש קורבן העדה על הירושלמי, שם: „פורש למקום טהרה . . . כדי שלא יהיה לועג לרש״.

27 ובירושלמי נזיר שם, הגירסה היא: „ר׳ שמעון בן יוצדק״ והיא נכונה יותר כי ר׳ יוחנן היה תלמידו של ר׳ שמעון בן יוצדק, וראה בפירושו של גינצבורג, פירושים וחדושים בירושלמי, חלק ב, עמ׳ 104.

28 ובירושלמי נזיר שם, השמיט את המשפט „כד הוה רחיק״ וגרס רק: „כד הוון מסקין ליה לסידרה״.

29 ולא כפירוש פני משה על הירושלמי, שם: „אין שואלין הלכה לפני מטתו של מת – דהוי כלועג לרש״.

30 בברכות שם הגירסה היא: „מהו שיטמא כהן״ גירסה זו נכונה יותר, כי הסוגיה בברכות, שם ובנזיר, שם עוסקת בטומאת כהן לנשיא, רבו וכו׳.

יונתן.[20] אמר ליה רבי חייא: דלייה[21] כדי שלא יאמרו למחר באין אצלנו ועכשו מחרפין[22] אותנו.

(ר׳ חייא ורבי יונתן היו מהלכים בבית הקברות והיתה זרוקה תכלת ציצתו של ר׳ יונתן ונגררת על גבי הקברים,[23] אמר לו ר׳ חייא: הרימנה . . .). ר׳ חייא ביקש מר׳ יונתן להסיר או להגביה את הציצית[24] שלא תגרר על גבי הקברים, כי יש בכך פגיעה במת כאדם המראה בושתו וקלונו של חבירו בפניו.

״פורש למקום טהרה״ – שיטת הירושלמי

בירושלמי ברכות פ״ב, ה״ג, מובאתברייתא:

> הרי שהיה עסוק עם המת בקבר והגיע עונת קריאת שמע, הרי זה פורש למקום טהרה ולובש תפילין וקורא את שמע ומתפלל.

כלומר, המת בקבר הוא מקום שאינו טהור ועל-כן כדי להניח תפילין, לקרוא קריאת שמע ולהתפלל יש להרחיק ולפרוש למקום טהור. ברייתא דומה הובאה גם בבבלי ברכות יד, ע״ב, אך בנוסח שונה:

> החופר כוך למת בקבר פטור מק״ש ומן התפילה ומן התפילין ומכל מצות האמורות בתורה, הגיע זמן ק״ש עולה ונוטל ידיו ומניח תפילין וקורא ק״ש ומתפלל.

בנוסח זה שבבבלי לא הוזכר כלל המשפט: ״פורש למקום טהרה,״ שכן לדעת הבבלי אין זו הסיבה להרחקה מן המת או הקבר, אלא עניין ״לועג לרש״.[25] אך כאמור על פי הירושלמי אין להניח תפילין, לקרוא קריאת שמע ולהתפלל סמוך לקבר, מפני שמקום הקבר אינו טהור,

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וראה בפירושו של לוי גינצבורג, פירושים וחידושים בירושלמי ברכות, חלק ראשון (בית מדרש הרבנים באמעריקע: ניו יורק, תש״א) עמ׳ 300, שהעיר על גירסה זו: ״שטלית אפשר שיש בה ציצית ואפשר שאין בה ציצית . . . ובבבלי נאמר בדיוק: ,תכליתיה;״ וכן העיר על הגירסא ״מהלכא על ארוניה״:

> שאם אפשר לציצית להתגרר על הקברים, קשה לתאר שתהי מהלכת על הארון ואולם כיון שהתחיל המעשה בארונו של ר׳ יוסי ראה להדגיש שלכן גער ר׳ חייא בר׳ יונתן שזלזל בכבוד הצדיק המונח בארון.

דהיינו, במדרש נאמר שהציצית נגררה ע״ג הארון, כי בעל המדרש גרס בתחילה שהמעשה בר׳ חייא ור׳ יונתן היה בזמן שהלכו אחר מיטתו של ר״ש בר יוסי בר׳ לקוניא כמובא בירושלמי ברכות, פ״ב, ה״ג. וראה לקמן הערה 33.

20 בכת״י אוקספורד 366 הוסיף: ״על קברי.״ וכן היא הגירסא בילקוט קהלת שם. וברוב כת״י הוסיפו: ״עילוי קברי.״

21 ובילקוט קהלת שם גרס: ״סלקייה.״

22 ובספר האגודה ברכות (מהדורת בריזל, עמ׳ לב) גרס: ״והיום מלעיגין עלינו.״

23 ע״פ הגירסא: ״על קברי״ או ״עילוי קברי,״ ראה לעיל הערה 20.

24 ראה: ספר האגודה על מסכת ברכות שם (מהדורת בריזל: ירושלים, תשכ״ט) עמ׳ לב, בשם הגאונים; רש״י על ברכות, שם, ד״ה: ״דלייה״; רבנו יונה על הרי״ף ברכות פרק שלישי (יא, ע״א מדפי הרי״ף, ד״ה: ״לא יהלך״); פסקי הרא״ש, ברכות פרק שלישי, סי׳ ה; שיטה להר״א אלשבילי (אביו של הריטב״א) בגנזי ראשונים ברכות, עמ׳ שיח; פירוש הרא״ה (ר׳ אהרן הלוי) על הלכות הרי״ף ברכות (מהדורת בלוי, עמ׳ לז); טור או״ח, סי׳ כג; פסקי רי״ד, ברכות שם ועוד.

25 ובבבלי שם מקשה הגמרא: ״הא גופא קשיא רישא אמר פטור וסיפא אמר חייב?״ ועונה הגמרא: ״סיפא בתרי ורישא בחד;״ וכן נאמר בברייתא ברכות יח, ע״א:

ואמר רבי זריקא אמר רבי אמי אמר ר׳ יהושע בן לוי[8] אין אומרים בפני המת אלא דבריו של מת. אמר רבי אבא בר כהנא: לא אמרן[9] אלא בדברי תורה,[10] אבל במילי דעלמא לית לן בה. ואיכא דאמרי אמר רבי אבא בר כהנא: לא אמרן[11] אלא בדברי תורה וכל-שכן במילי דעלמא.

כלומר, אסור לומר דברי תורה בפני המת, ואמנם הגמרא אינה מזכירה את עניין „לועג לרש״ כנימוק לאיסור זה, אך הגאונים[12] הוסיפו לדברי הגמרא שאין לומר דברי תורה בפני המת את המילים: „דחלשה דעתיה.״ דהיינו, אין לומר דברי תורה בפני המת, כי יש בכך פגיעה במת וכפי שבאר רש״י שם, ד״ה: „אלא לדבר הלכה״:

אסור לספר לפניו (דברי הלכה) שהכל חייבין לספר בהן, והמת דומם והוה ליה „לועג לרש חרף עושהו.״[13]

דברי האיכא דאמרי שאף מילי דעלמא אסור לומר בפני המת, למרות שאין בכך קיום מצוה בפני המת, וממילא אין לאסור „מילי דעלמא״ משום „לועג לרש,״ מכל מקום יש בהם פגיעה בכבודו של המת, וכפי שמובא בשיטה מקובצת, ברכות ג, ע״ב, ד״ה: „וכ״ש מילי דעלמא״:

מפני שיהיו עסוקין בהספדו.[14] ויש מפרשים מפני שהמת יודע כל מה שאומרים לפניו, עד שיסתם הגולל ומצטער כששומע שמדברים שלא מצרכיו, וכתוב: „ועשית הישר והטוב,״ ואין טוב כשמצטער המת.[15]

אף קיומה של מצות ציצית ע״י החיים המבקרים בבית הקברות יש בה לעג וחרפה למתים. כך מסופר בבבלי ברכות יח, ע״א:

רבי חייא ורבי יונתן[16] הוו שקלי ואזלי[17] בבית הקברות. הוה קשדיא[18] תכלתא[19] דרבי

8 וברי״ף שם, גרס: „ר״ש בן לקיש.״

9 ובכת״י אוקספורד 366; פלורנץ וברי״ף שם גרסו: „לא נצרכה.״ ובדפוס וונציא ובשאילתות שם, גרסו: „הני מילי.״

10 ובכת״י מינכן ובפירוש הר״ח (אוצר הגאונים ברכות, נספחים עמ׳ 2) וכן בפירוש רש״י ברכות ג, ע״ב, גרסו: „דבר הלכה.״

11 ובכת״י אוקספורד 366 וברי״ף שם וכן בשאילתות שם, גרסו: „לא נצרכה.״ וראה דיון בגרסאות בהעמק שאלה על השאילתות, שם ובעינים למשפט (ר׳ יצחק אריאלי) ברכות ג, ע״ב, עמ׳ ז-ח.

12 הלכות גדולות הלכות ברכות, פרק שלישי (עמ׳ מ); שאילתות שם וכן בכת״י אוקספורד 366.

13 וכן הרי״ף שם הסמיך עניין זה לעניין „לא יהלך אדם בבית-הקברות בתפילין בראשו . . . משום לועג לרש״ וכן כתב הרא״ש בתוספותיו ברכות ג, ע״ב, ד״ה: „אלא לד״ת.״

14 וכן מובא בצל״ח על ברכות ג, ע״ב (דפוס פיעטרקוב, עמ׳ 10): „דמתחזי כמיסח דעתו מלהטפל בקבורתו ומתייאש מלקוברו.״

15 וכן מובא בתוספות הרא״ש, שם ובחידושי הריטב״א על ברכות ג, ע״ב, ד״ה: „וכ״ש מילי דעלמא.״

16 וברא״ש ד׳ וונציא הגירסה היא: „ר׳ חנינא ור׳ יונתן.״ ובד׳ שוניצו הגירסה היא: „ר׳ חייא ור׳ נתן.״ וכן הביא בספר יוחסין, מאמר ראשון, ערך ר׳ יונתן (מהדורת צ׳ פיליפאווסקי, עמ׳ 53) שיש גירסה: „ר׳ חייא ור׳ נתן.״ והוא מעדיף נוסח זה כי ר׳ יונתן היה כהן כמובא בבבא מציעא צ, ע״ב, ואין יכול הוא ללכת כבית הקברות. וראה עוד בעניין זה לקמן הערה 32. וברמב״ן בתורת האדם, עניין ההוצאה (מהדורת שעוואל עמ׳ צט) מובאת גירסה: „רבי זירא ורבי שמעון ברבי.״

17 בכת״י מינכן גרס: „הוו קאזלי.״ ובכת״י פריז גרס: „הוו קא אזלי.״ ובכת״י פלורנץ, לונדון אג׳ פארמא אג׳ גניזה ובד׳ שונצינו וונציא ועוד גרסו: „הוו אזלי.״ ובילקוט שמעוני קהלת תתקפ״ט, גרס: „הוו מסגו ביני קברי.״

18 בילקוט שמעוני שם, גרס: „הוה קא גררא.״ ובכת״י פריז, גרס: „הוא קא שדיא גרדא תכילתיה.״ ונראה שצריך לגרוס שם „גררא,״ כי היו שתי גירסאות „שדיא״ ו„גררא״ ונכתבו ביחד.

19 ברוב כת״י הגירסה היא: „תכליתיה.״ ובקהלת רבה פ״ט, גרס: „והוה טליתיה דר׳ יונתן מהלכא על ארוניה.״

כלומר, אסור לקרות קריאת שמע סמוך למת „משום לועג לרש שזה קורא וזה אינו יכול לקרות".[2] וכן מצינו בבבלי ברכות יח, ע"א:

> והתניא לא יהלך אדם בבית הקברות ותפילין בראשו[3] וספר תורה בזרועו וקורא[4] ואם עושה כן עובר משום „לועג לרש חרף עושהו". . . תוך ארבע אמות הוא דאסור חוץ לארבע אמות חייב, דאמר מר מת תופס ד' אמות לקריאת שמע.

כלומר, אין לקיים מצות תפילין ואין לקרוא בתורה סמוך לקבר, אלא אם הרחיק ארבע אמות, שכן המת אינו יכול לקיים מצות תפילין ולקרוא בתורה.[5] ובתוספות שם, ד"ה: „וספר תורה," ישנה תוספת: „והוא הדין דעל פה אסור לקרות."[6]

דהיינו, אסור לצטט פסוקים בעל פה סמוך לקבר, או בפני המת. והרי"ף בברכות פרק שלישי, יא, ע"א, הוסיף בדבריו את עניין התפילה:

> לא יהלך אדם בבית הקברות . . . ויתפלל שם ואם עשה כן עובר משום לועג לרש חרף עושהו.[7]

בנוסף לאיסור לקרוא בספר תורה סמוך לקבר, מצינו הוראה לא לומר דברי תורה בפני המת וכך נאמר במסכת ברכות ג, ע"ב:

2 רש"י שם, ד"ה: „לקריאת שמע."

3 ובכת"י אוקספורד 366 הגירסה היא: „היה מהלך בבית הקברות לא יניח תפילין" ובמסכת שמחות פי"ג, ה"ג (מהדורת היגער, עמ' 202) הגירסה היא: „היה עובר בין הקברות לא יתן תפילין עליו;" ובמדרש שכל טוב לרבנו מנחם ב"ר שלמה ([מהדורת באבער; ברלין: מקיצי נרדמים, תר"ס] עמ' 75) גרס: „ותפילין או ספר תורה בזרועו."

4 ובכת"י אוקספורד 366 ומינכן גרסו: „וקורא בו," וכן גרסו בשאילתות דרב אחאי גאון, שאילתא יד; רי"ף ברכות פרק שלישי יא, ע"א ובפסקי הרא"ש ברכות פרק שלישי סי' ה ועוד. ובכת"י פריז ובדפוס ונציא גרסו: „וקורא בהן ומתפלל" (וראה לקמן עמ' 2, ושם הערה 7. ולעיל הערה 1). וראה דיון בגירסאות בב"ח על טור יו"ד סי' רפב, סק"ג; העמק שאלה על השאילתות, שם. ובהלכות גדולות, הלכות ברכות פרק שלישי ([ירושלים: מכון ירושלים, תשנ"ב] עמ' מ) גרס: „וס"ת בזרועו" והשמיט את „וקורא."

5 וכדברי בה"ג שם: „דכיון דאינהו לא בני הכי נינהו, חלשא דעתיהו;" ובמדרש שכל טוב, שם, באר:

> כיון דאינהו לא מצי לעסוקי במצוות דכתיב: „לא המתים יהללו יה;" חלשא דעתייהו והמחליש דעתם כאילו חרף לעושהו.

6 וכן רבינו יונה על הרי"ף שם, כתב:

> הוא הדין שאפילו בלא ספר תורה אין לו לקרות בבית הקברות משום לועג לרש, אלא מפני שאי-אפשר לקריאת פסוקים של תורה אלא בספר . . . לפיכך אמר ספר תורה, אבל אפילו בלא ספר אסור.

וכן כתבו הרשב"א בחידושיו לברכות יח, ע"א, ד"ה: „וספר תורה"; שיטה להר"א אלשבילי בגנזי ראשונים, ברכות ([מכון התלמוד הישראלי השלם: ירושלים, תש"ך] עמ' 60) ועוד. וכן פסקו הרא"ש ברכות, פרק שלישי סי' ה; טור יו"ד סי' שסז ועוד.

7 וכן גרס הרמב"ן בתורת האדם, עניין הקבורה (מהדורת שעוואל, עמ' קכח). וכן פסק הטור שם. וראה לעיל בהערה 1 את גרסתו של מחזור ויטרי, והערה 4 את גירסת כת"י פריז ודפוס ונציא. והגאונים כתבו (אוצר הגאונים ברכות, חלק התשובות סי' קג וסי' קד, עמ' 44) בעניין אמירת קדיש:

> יתגדל אחר הקבורה מנהגנו להתרחק מן בית-הקברות שיעור חמשים אמה, או מאה אמה, ויש מקומות שבונין בית לדבר זה, אבל בתוך ד' אמות לא, דמת תופס לק"ש ד' אמות.

וכן מובא במחזור ויטרי, שם; רמב"ן שם, ענין ההתחלה, עמ' קנד-קנה; טור, יו"ד, סי' שעו. וראה בהרחבה בעניין קדיש על הקבר: יחזקאל ליכטנשטיין, „מטומאת המת להקדשתו;" (דיסרטאציה, אוניברסיטת ברן-אילן; רמת גן, תשנ"ד) עמ' 53–58.

שיטת הרמב״ם בעניין תפילה, חפצי קדושה וביקור בבית הקברות

יחזקאל שרגא ליכטנשטיין
אוניברסיטת בר־אילן

The Rambam's Approach Regarding Prayer, Holy Objects and Visiting the Cemetery

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Based on the Babylonian Talmud, the Ge'onim forbade *mitzvot* such as *Shema*, *tefillin*, and *tzitzit* to be performed near the dead or in a cemetery because this would be considered "mocking the poor" and blasphemous (*lo'eg larash*). In contrast, Rambam conforming to the Jerusalem Talmud forbids prayer, the performance of mitzvot, and the presence of objects used for performing *mitzvot* in the cemetery because "the place is unclean."

According to Babylonian tradition, a visit to a cemetery during a fast for rain is most likely intended to arouse the dead to intercede for mercy on behalf of the living. Rambam, however, takes the singular view of the Jerusalem Talmud that such visits symbolically indicate the final consequence of no rain, a more probable explanation given the lack of biblical evidence of such intercessions.

Following R. Shimon b. Gamliel in the Jerusalem Talmud, Rambam opposed the erection of *batei nefesh* on the graves of the righteous (presumably as ornaments) since "their words are their memorial." His opposition to visiting these structures was probably similarly predicated on the notion that it is sufficient to memorialize the righteous by directing one's heart to their good deeds and spiritual heritage.

פסיקותיו של הרמב״ם בעניין קריאת שמע ותפילה סמוך לקבר, ובעניין הכנסת תפילין וספר תורה לבית הקברות דורשים התייחסות מיוחדת ומקיפה אשר תעמוד על יחסו של הרמב״ם לבית הקברות. כדי להבין את שיטתו של הרמב״ם ולבחון את המקורות שעליהם סמך את ידו, מן הראוי לעיין בדברי התלמוד הנוגעים לענינינו.

„לועג לרש חרף עושהו״ – שיטת הבבלי

בבבלי סוטה מג, ע״ב נאמר:

> כי אתא רב דימי אמר רבי יוחנן משום רבי אליעזר בן יעקב מת תופס ארבע אמות לקריאת שמע,[1] דכתיב: „לועג לרש חרף עושהו״ (משלי יז, ה).

1 במחזור ויטרי חלק ראשון סי׳ רעח, עמ׳ 247 גרס: „לקריית שמע ולתפילה.״

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